







THE  
HISTORY OF PARTY;

FROM THE RISE OF  
THE WHIG AND TORY FACTIONS,  
IN THE REIGN OF CHARLES II.,  
TO  
THE PASSING OF THE REFORM BILL.

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## PREFACE.

THE conduct and revolutions of our two national parties occur but incidentally, even in the most comprehensive of the general Histories of England : it is the object of the following work to separate them from the mass of circumstances with which they are mingled, and weave them into a connected and detailed narrative.

A review of the principles and practice of the two classes of statesmen which alternately govern a mighty empire, must, under any circumstances, be interesting. A contrast of the opposing theories of government which they profess, of the opportunities which have occurred to each for the development of these theories, and of the results obtained, must, in all cases, be instructive. But to a citizen of the state, where these principles of government are still in active contest, and where these parties still are struggling, such knowledge is indispensable : without it he can look only to the events of the present moment, he can trust only to the fallacious professions of individuals ; with it he can deduce inferences from the more certain testimony of series of events, and he can contrast the results of the principles between which he is called upon to judge.

Eminently important as such knowledge is, and forming as it does, the most important reward of accurate historical study, its particular cultivation is very far from being general. The organs of the different factions put forth, without hesitation, the most extraordinary propositions upon this subject, and rely with confidence upon the credulity of their readers. In a recent number of the "Quarterly Review" (vol. liv., p. 370) it is said, "We talk now as we did then" (in the reigns of Anne and George I.) "of Whig and Tory, but the tenets of the two parties have been so completely counter-changed (as the heralds express it) that a Whig of that day very much resembled a Tory of ours, *and vice versâ.*" The reader who contrasts this passage with the authorities cited in the following pages, will be inclined to wonder whether it proceeded from deplorable ignorance in the reviewer, or from his assumption of ignorance in his readers; but he will admit that, in either case, no attempt to dispel such ignorance can be unworthy of attention.

The space devoted to this work is only sufficient for a compressed history of the parties. A knowledge of those portions of the English history which are not directly applicable to this subject has been always presumed.

I have already said that a history of the Whig and Tory parties involves a contrast of two opposing principles. He would be but little capable of draw-

ing that contrast, who, having studied the subject, could himself arrive at no definite judgment. If he has awarded his preference to one party, his bias must necessarily appear in his narrative. I have thought it more ingenuous to avow mine than to attempt to cover it with the usual veil of a simulated impartiality. A preference of the principle upon which the Whigs profess to act is acknowledged; but I have never knowingly allowed that preference to distort *facts*, or to influence the narrative of particular transactions. The sentiments and inferences of an author are his own; he has a right to offer, his reader may entertain or reject them.

In preparing this volume I have obtained light upon some obscure points of history from Martyn's Life of the first Earl of Shaftesbury; and the kindness of the present earl has enabled me to authenticate the most important quotation by a reference to Mr. Stringer's manuscript, which formed the basis of that work. I am also much indebted to Mr. R. Mackintosh, who has, with great liberality, opened to me the splendid collection of historical materials made by his father. I have been thus enabled to state, with precision, the conduct of the last ministry of Queen Anne with respect to the succession, and to adduce evidence which established upon this point a decision the very opposite of that which probabilities before favoured. Some of the quotations here made have, however, already appeared in a very

able article in the “Edinburgh Review” upon the “Memoirs of Lord Bolingbroke.” I have repeated these extracts where they suited my purpose, because the Mackintosh collections are now a very valuable private property: their national importance would induce the hope that this obstacle to their copious use may not long continue.

Habits of literary composition are not easily broken off. I have chosen to send forth this work in single volumes, in order that the arrangement of the materials I have collected may be restricted to a refreshing relaxation from the studies of an arduous profession.

Inner Temple Lane,  
October 1836.

## ERRATA.

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# THE HISTORY OF PARTY.

## CHAPTER I.

State of parties at the restoration of the monarchy—The Cabal administration—Its members—Preparations of Charles against the religion and liberties of the nation.

THE latter part of the reign of Charles II. is an epoch whence we may date not only the rise of the Whig and Tory parties, but also the origin of the principles which they severally profess. The last great distinction which had divided the nation was the warring factions of the Roundheads and Cavaliers, and the convulsion which then took place wrought a change in the national sentiment that has never since been effaced.

Among the Cavaliers, there were many who would have opposed the claims to absolute power made by Charles I., and among the Roundheads were many

CHAP.  
I.

A. D. 1666  
to 1671.

CHAP. I. who would have been content to live under a sovereign bound to respect their civil and religious liberties. But the sentiments of the great majority were sufficiently marked to render the conflict a war between the two principles of Monarchy and Republicanism. It was the temporary triumph of the latter principle that secured its eventual defeat and the utter annihilation of the party that espoused it. The ceaseless commotions that ensued harassed and exhausted the nation, a violent reaction took place, and Charles was seated upon his father's throne by the act of an unanimous people.

A.D. 1666  
to 1671.

Since that time there has never been any republican party in England; the Commonwealth leaders, who yet survived, were terrified by the fate of the regicides, or overborne by the stream of popular loyalty; which ran too rapidly to be stemmed; their party was broken and dispersed, and as the members of which it had been composed died away none succeeded to their tenets. If these tenets have since occasionally obtained an advocate, it has generally been in an ignorant or an enthusiastic man, who has found few followers to applaud his declamations, and none to assist him to realize his dreams.

For some time after the restoration, we find nothing but an exuberant and incautious loyalty. The representation was intrusted to the known supporters of the new king, and if a whisper of opposition was

sometimes heard from the remnant of the Republican party, it was immediately drowned amid the acclamations of the people.

CHAP.

I.

A. D. 1666  
to 1671.

It was only gradually that this tumultuous loyalty subsided, and it required years of misgovernment to discover to his subjects the real character of the sovereign they had recalled. The administration of Clarendon has been regarded with more indulgence than it deserved; partly because he has been his own historian, but chiefly because it has been contrasted with the far more flagitious conduct of his successors: but when we remember that one of the ordinary expedients to which he had recourse was the illegal detention of his political adversaries in foreign prisons, that it was his bigotry which gave effect to the resentment which the dominant party naturally felt towards the dissenters, and that it was his influence which assisted Charles in many of his most unconstitutional designs, we can have little respect for his conduct as a domestic minister. With regard to the foreign relations of England, he is yet more reprehensible. The sale of Dunkirk\* is a blot upon

\* Clarendon never disguised the reason of the sale of Dunkirk. He writes to D'Estrades—"How-  
ever his majesty, even contrary to the advice of most of those with whom he hath consulted, will cause the town of Dunkirk, with

all the cannon, arms, and ammunition, to be delivered into the possession of the King of France, and will lend him such of the troops as he shall desire, upon the payment of five millions ready money; the present payment being

CHAP. the annals of the country; but he had not completed  
 I. his master's infamy or the national dishonour until he  
 A.D. 1666 taught a King of England to become the pensioned  
 to 1671. puppet of a foreign prince, and to submit to be the  
 servant of an enemy in order that he might render  
 himself the tyrant of his people.

Misgovernment at home and dishonour abroad were the substitutes for those happy effects which the people had persuaded themselves would flow from the restoration of the monarchy. The dissenters who had confided in the royal declaration, found themselves harassed and persecuted by penal enactments, and the old Royalists, who had sacrificed every thing for Charles and his father, found in their new monarch a mere selfish voluptuary, who had neither the means nor the will to satisfy their importunate demands upon his gratitude. It was not wonderful, therefore, that discontent and disappointment should succeed to the excitement of highly-wrought expectation, nor is it surprising that a prince like Charles should have sacrificed his minister when his loss of popularity had rendered him no longer useful.

so absolutely necessary for his *had not been made."* — *Clarendon's State Papers*, Supplement to Vol. iii., p. xxiv.—This volume contains abundant evidence that Clarendon taught Charles how gold could be obtained from France.

majesty's affairs, that the confidence he hath in the King of France's friendship *would have persuaded him to have hoped for a good part thereof, by way of loan, if this overture of Dunkirk*

Thus far the credit of the sovereign was with the great majority of his subjects unimpaired. The old Royalists, indeed, accused him of ingratitude, but the popular indignation was directed only against his minister. It was, however, soon discovered that Charles had abandoned Clarendon only that he might surround himself with less scrupulous and more desperate men. The Cabal administration now commenced its infamous career. Sufficient soon transpired to show the ultimate tendency of their designs, and the nation became thoroughly awakened to the danger which threatened their liberties and their religion.

The circumstances which the papers, since published by Dalrymple, have now fully brought to light, were then generally suspected. It was whispered that the king was in his heart a Catholic, and his brother, the Duke of York, no longer hesitated to avow his conversion to that religion. Every circumstance coincided to show that some design was already on foot to re-establish popery as the national faith, and that a favourable opportunity only was sought in order to unmask the conspiracy. The most compliant ecclesiastics were preferred to vacant sees, and all who sought advancement were zealous in inculcating the doctrines of divine right and passive obedience. So quickly was the direction of court patronage observed, that a portion of the clergy

CHAP.  
I.

A.D. 1666  
to 1671.

CHAP. I. seemed to vie with each other in their approach to the Romish doctrines, determined to leave themselves as little as possible to recant when the proper moment should arrive for renouncing the errors of Protestantism.

A. D. 1666 to 1671.

The people observed the conduct of these ductile divines with indignant contempt, and spoke of them by the nickname of Tantivies, to indicate how rapidly they were posting upon the road to Rome.

Of Clifford, Arlington, Buckingham, Ashley, and Lauderdale, who composed the Cabal, the two first only were admitted into the full confidence of the royal brothers. At a conference held at the duke's closet, between these four and Lord Arundel of Wardour, on the 25th of January, 1669, the undertaking was formally resolved upon, and it was determined to apply to France for assistance in the enterprise. Lord Arundel undertook the negotiation, and the treaty soon assumed a definite shape.

On the 18th of December, 1666, a memorial was delivered to the French court, containing a project of the contemplated alliance. The first article has the following stipulations :

“ The King of Great Britain, being convinced of the truth of the Catholic religion, and resolved to declare himself a Catholic, and be reconciled to the Church of Rome, thinks the assistance of his Most Christian Majesty necessary to facilitate his design.

It is therefore agreed and concluded upon, that his Most Christian Majesty shall furnish to the King of England, before the said declaration, the sum of £200,000 sterling; the one-half of the said sum shall be paid three months after the reciprocal ratification of the present treaty, and the other half three months after the expiration of that time. And further, that the said Lord the Most Christian King shall assist his Britannic Majesty with ships and money as often as there shall be need, in case the subjects of the said Lord the King shall not acquiesce with the said declaration, but rebel against his said Britannic Majesty (which cannot be believed). And to the end that the said declaration may have the wished-for success, and be executed with the greater safety, it is likewise agreed, that the day for executing the design shall be entirely at the option of the King of England.”\*

CHAP.  
I.

A.D. 1666  
to 1671.

This was a demand which far exceeded what Louis was inclined to offer, and the treaty was at length concluded with a reduction of the £200,000 to two millions of livres tournoises, a sum equal to £150,000.

This treaty, as finally agreed upon, has been since published from the original preserved among the Clifford papers, partly by Lord John Russell,† and since verbatim by Dr. Lingard.‡ The French minister

\* Dalrymple, vol. ii., p. 50.

† Life of Lord W. Russell, p. 30.

‡ History of England, vol. vii., p. 629.



CHAP. was more attentive to appearances than the English  
 I. conspirators, and threw a veil of hypocrisy over the  
 A.D. 1666 transaction.  
 to 1671.

Charles was also bound to make war upon the Dutch, whom it was the interest of his kingdom to succour; to supply Louis with an auxiliary force of 6000 men, and to maintain a fleet of fifty men of war; in return for which he was to receive annually, during the continuance of hostilities, three millions of livres.

The secret treaty was signed at Dover, whither Charles had repaired to meet his sister the fair and unfortunate Henrietta, the 22d of May, 1670, and bears the seals of Arlington, Arundel, Clifford, and Bellings, on the part of Charles; and of Colbert on that of France.

There are few periods of our history that present a more important crisis than that which the date of this secret treaty marks. In the present age, the Catholic religion is in England merely the faith of a sect. Their views are bounded by the prospect of a perfect equality with their fellow-subjects, and they are no more dangerous to our constitution than any other of those numerous religious sects with which the kingdom is so rife. But in the reign of Charles II. it was far different. Popery was then only another name for unlimited power in the monarch, and unlimited oppression to the subject. The object of its adherents was not equality, but ascendancy, and since

this could not be obtained but by force of arms, they were ready to barter their civil liberties for the royal favour, and assist Charles to become the master of his people, upon the condition that he should make a Catholic Hierarchy one of the instruments of his tyranny. The patriotic party dreaded the Catholics, not as religionists, but as agents of despotism.\*

CHAP.  
I.

A. D. 1666  
to 1671.

That the indolent monarch himself had any serious affection for a particular religion, or was actuated by any *ambitious* desire of absolute power, his general conduct forbids us to imagine; but there were reasons equally powerful to a mind like his, to induce him to intermit his pleasures for a short time, and to engage in a desperate enterprise, which, if successful, would at once put an end to all his difficulties.

A court, like that of Charles, could not exist without great scandal to the nation, or be supported, without a vast expense; the people laughed at their king's excesses, but they were very reluctant to

\* This was well expressed by John Hampden during the debates upon the Exclusion Bill. "I do not understand," he said, "how it can be construed, because we go about to disinherit the duke, that, therefore, it must be for his religion. For my part, I do approve of the bill, but it is because the opinions and principles of the papists tend to the alteration of the government and the introducing instead thereof, superstition and idolatry, and a *foreign and arbitrary power*. If it were not for that, I am apt to think the duke's being a papist would not be thought a sufficient cause for this house to spend time about this bill." — *Collection of Debates in the Session of 1680*, p. 56.

CHAP. allow him to squander their money. Charles re-  
I. sented every attempt to restrain his prerogative,  
A.D. 1666 because it had a tendency to abridge his pleasures ;  
to 1671. and he was an enemy to his subjects' liberties, be-  
cause these enabled them to resist his designs upon  
their purses. The haughty spirit of a Stuart could  
ill brook that inferiors whom he despised, should con-  
stitute themselves censors of his conduct ; and when  
he remembered the unlimited authority of the other  
great European potentates, he felt humiliated by the  
reflection that he was obliged to endure what they  
had the power to punish.

What little religion he had was Catholic. It  
was the professors of this faith who had been the  
stanchest supporters of his family ; they held  
those doctrines which are ever most pleasing to a  
sovereign, and they looked to him as their only  
protection against the persecuting spirit which was  
now raging against them.

A councillor was now wanting to stimulate his  
cold regard for religion, by dwelling upon the refrac-  
tory spirit of his parliament. James, Duke of York,  
was not destitute of private virtues, but these were  
more than counterbalanced by vices which unfitted  
him for any influential station in a free country.  
Adding the bigotry of a monk to a more than ordi-  
nary share of the high monarchical ideas of the  
Stuarts, he was eminently qualified to sustain his

brother in the resolution he had formed. The different characters of the two brothers were well and wittily described by Buckingham, when he said that Charles could see things rightly if he would, and James would if he could.

A. D. 1666  
to 1671

That Charles was actuated rather by political than religious motives in the intrigue which he had now commenced, is evident from his whole conduct. His desire of power is well portrayed in his own words. He did not wish, he said, to sit like a Turkish sultan and sentence men to the bowstring; but he could not bear that a set of fellows should inquire into his conduct,\* and examine his ministers as well as his accounts. His impatience of such interference sometimes betrayed him into methods of revenge which were little consonant with the royal dignity. The jest which was received with a laugh from Killigrew or Buckingham, was intolerable in the mouth of a mere commoner. When Sir John Coventry asked in the House of Commons, in answer to an observation that the players were the king's servants and a part of his pleasure, whether the king's pleasure lay among the men or women players, it is well known that Charles was so much enraged, that he caused the jester to be waylaid, and his nose slit with a penknife, to remind him of the danger of jesting upon the pursuits of royalty.†

\* Burnet, vol. i., p. 345.

† Ibid.

CHAP. I. To repress such annoyances, and to obtain money  
 A.D. 1666 to 1671. to satisfy his wants, required either a reformation  
 which Charles was little likely to attempt, or a power  
 which the constitution had not given him. The  
 latter Charles thought himself able to obtain. He  
 flattered himself that he would have been able to  
 to crush at its birth the insurrection that had de-  
 stroyed his father. To declare himself a Catholic  
 was, he well knew, the most certain means of rousing  
 his people to rebellion; and he was assiduous in  
 providing against as he was to bring on this event.  
 He told Colbert, that he was pressed by his con-  
 science, and by the confusion he saw increasing from  
 day to day in his kingdom, to the diminution of his  
 authority, to declare himself a Catholic; and that  
 besides the spiritual advantage to be derived from  
 this step, he considered it to be the only means of  
 re-establishing the monarchy.\* To this able minister  
 he seems to have opened himself without reserve.  
 Hull, Portsmouth, Plymouth, and Windsor, he con-  
 sidered faithful to his interests; the army, he thought,  
 he could rely upon; and he declared that he should  
 seize every pretence of increasing the number and  
 efficiency of his forces.

Such was the state of the empire in the year 1670.  
 A conspiracy headed by the king, supported by the

\* Dalrymple, p. 32.

court, the government, and the whole influence of the state, waited but the proper moment for development to loose all the horrors of civil war upon the land. Six thousand foreign troops were ready to disembark at Dover, to give weight to the proposed declaration of Catholicism, and Louis was further bound to support his royal dependant with all his forces until the rebellion should be ended.\*

CHAP.

A. D. 1666  
to 1671.

To resist these mighty preparations, England had only a corrupt parliament and a disunited people. The nation was, indeed, imbued with a thorough hatred of popery, and would, doubtless, have resisted; but the struggle must have been dreadful, and victory, to whichever side it eventually inclined, must have been preceded by scenes at which humanity would shudder.

Although these engagements with France were conducted with the greatest possible secrecy, some cause of suspicion almost immediately arose. Charles was anxious to obtain the assistance of Ashley and Buckingham, his two least obnoxious ministers, to his projected enterprise. It was arranged, therefore, that these ministers should be led to propose and effect a similar treaty to that already concluded, with the single omission of the article for the king's declaration, which they knew Ashley would never

\* Dalrymple, App. p. 54.

CHAP. agree to, and with which they thought Buckingham  
 I. could not safely be trusted. Buckingham eagerly,  
 A.D. 1666 and Ashley unwillingly, fell into the snare; the  
 to 1671. former was despatched to Paris, and his presence  
 there confirmed the Dutch in the suspicions they  
 already entertained of the sincerity of the English  
 court.

In August of this year, Sir William Temple, then ambassador at the Hague, writes to Secretary Sir John Trevor, who was ignorant of the whole intrigue, and as Sir William afterwards found, was “barely in the skirts of business,” “I shall not fail of performing all the offices you please to enjoin me towards the preserving our mutual confidence in this conjuncture, which I have endeavoured in all my discourses here upon the Duke of Buckingham’s journey into France since I first heard of it.” And he tells the duke, who was yet in Paris, that the Dutch were indulging “in doubtful and mystical reflections.”

In September, Temple had received an order to return to England, and he retired from his embassy, telling De Witt that he found himself better turned for making a good gardener, than an able minister. De Witt was then more explicit. “He reflected,” he says, “upon a coldness in all our negotiations ever since Madame’s journey into England, and upon the late journey of

the Duke of Buckingham to Paris, which he could not think was *pour voir le pays ou-apprendre la langue*, and desired I would tell him what I could make of all this laid together.” \*

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I.

A.D. 1666  
to 1671.

His reception by Sir Thomas Clifford, upon his return, opened Temple's eyes.† But De Witt wanted no additional proof. Some years afterwards, Louis, in a fit of resentment against Charles, suffered an Abbé Primi‡ to publish a full account

\* Letters, vol. ii.

† Ibid.

‡ One of the historical anecdotes in the works of Louis XIV. is an account of this Abbé Primi. He was a clever charlatan, who pretended to tell the fortunes of persons by the character of their handwriting. There is an amusing instance given of the occasional utility of his art.

Primi was a native of Bo-logne, the son of a hosier; he was handsome and clever, and as he had a strong ambition of making a fortune, he resolved to go to Paris. He travelled to Lyons, and from thence, by coach, onwards. In the same vehicle was a man of considerable influence, named Duval, who liked his conversation, and, at last, even conceived a friendship for him.

Among the passengers was a man, who was personally so unpleasant a companion, that all the other passengers were combining among themselves how they should rid themselves of him. After concerting measures, M. Duval asked Primi if he credited the report which was current in France, concerning the facility with which some persons in Italy could tell the fortunes, or misfortunes, which would happen to others, by looking at their writing. Primi replied that he did not think the science was absolutely certain, but that, undoubtedly, in most cases, it was correct; “and, in fact,” said he, “I have myself, during leisure hours, made that science my amusement and my study.” M. Duval now presented his writing, and desired Primi to try his skill



CHAP. of these intrigues, and although the book was, at the  
 I. instance of the English ambassador, immediately  
 A.D. 1666 suppressed, yet an account of it was preserved in a  
 to 1671. tract originally printed in the year 1689, and since  
 in Lord Somers's Collection.\*

From this we learn that the Hollanders had sure advertisement of what was going on from their own

upon it. After examining it for a short time, he began to enumerate a long list of extraordinary events, of diseases, accidents, and affairs of gallantry; all which M. Duval declared had come to pass. The other passengers likewise presented their writings, and Primi told them what had, and what would come to pass; lastly, the the obnoxious individual, surprised at Primi's success, and curious to know his own fortune, presented his writing. Primi's visage became very gloomy upon its perusal, and he returned the writing without saying a word. The man, however, insisted that he should tell his fortune, when Primi said, with a very grave countenance, that he augured most dreadful calamities to happen to the writer of the last paper, and that if he went to Paris, he would certainly be assassinated there. The man, who was as

suspicious and cowardly as he was otherwise disagreeable, became visibly disquieted; and, at the next stage, the passengers were relieved of their unpleasant companion, who returned with all haste home. Duval, charmed with the address Primi had shown in this affair, took him under his protection, and introduced him to the Abbé de la Baume. Primi continued the charlatan tricks he had commenced with so much success, and soon became deeply immersed in all the intrigues of the court. Primi now pretended to the office of court historian, and Louvois took him with him in his march upon Holland. It was a miserable account of the first campaign of this war, written in Italian, which contained the exposure of the secret of the treaty of Dover.—*Œuvres de Louis XIV.* vol. vi., p. 476.

\* Vol. viii., p. 16.

and the other ministers at the court of London, and it is said that De Witt was so alarmed at the danger in which these intrigues placed his country, that he swooned in the Stadt House upon reading a letter that gave him secret information of them.

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I.

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to 1671.

Schemes, which thus became known to one of the objects of their hostility, could not long be concealed from the others. De Witt's only resource was an appeal from the king to the people of England, and those who could inform him that a treaty had been signed at Dover, could, doubtless, give him some idea of the scope of it. The conduct of the court justified every suspicion. After Charles had prorogued his parliament, he ordered the war to be commenced without any formal declaration, by a piratical attack on the Dutch Smyrna fleet (March 13), and four days after was issued the declaration of war.

This was preceded by other measures calculated to advance the objects of the secret treaty. The parliament was not to be assembled. How then was the war to be maintained. Sir Thomas Clifford suggested an expedient worthy of the cause for which the money was to be procured. Charles had obtained from his parliament an ample supply in order to support the triple alliance, and, upon the

CHAP. I. faith of this grant, the bankers had advanced large sums of money to be repaid with very large profits ; A.D. 1666 to 1671. Shaftesbury afterwards said 20 or 30 per cent.\* As the levies were returned into the Exchequer, Clifford's expedient was to stop these payments, and to convert the whole of the returns to the purpose of the war. The suggestion was well adapted to the temper of the man to whom it was addressed : it was an easy and a profitable act. Charles had no sooner received the hint, than he acted upon it. Clifford, by his order, proposed it in council, and Shaftesbury was the only member of the Cabal who dared to raise his voice against this scandalous violation of national honour.†

This councillor was more easily brought to coincide with another expedient which was adopted, for the double purpose of conciliating the Dissenters and protecting the Catholics. Charles, by an act of absolute authority, declared the penal laws against all dissenters to be suspended ; and Shaftesbury was not ashamed to tell Mr. Locke, that in this act the king was only exerting an inherent prerogative.‡

\* Martyn's Life of Shaftesbury, vol. i., p. 480. \*

† Ibid. 416.

‡ Letter to a person of quality. Burnet says, that the lord-keeper was dismissed, because he refused

to put his seal to this declaration, and that Shaftesbury was made lord chancellor for that purpose. But this assertion is disproved in Martyn's Life of Shaftesbury, vol. i., p. 429.

The first effects of Charles's conspiracy with Louis were, therefore, a dishonourable and disastrous war, an assumption of absolute power and a national bankruptcy.

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to 1671.

## CHAPTER II.

Origin of the two parties, which were afterwards called Whigs and Tories—Composition of the court and country parties—Founders of the Whig party—In the commons—In the lords—Allies of the Whigs.

CHAP. II.      THUS was commenced the campaign against the liberties of England. The evident necessity for a strenuous resistance brought into being a new school of legislators. It has been said that the house of commons, which was elected after the restoration, consisted almost entirely of the Cavalier party; the great majority were unflinching advocates of those principles which came afterwards to be designated Toryism. They would defend their king against any demands of his people, but they could not endure that he should be independent of themselves; they hated the alliance with France, because it reduced the importance of their services; and they were sparing in their grants of the public money, because they knew that their influence depended

A. D. 1672  
to 1678.

upon the necessities of the king. They were vehement in the persecution of the Catholics, but not solely because they dreaded from them danger to their liberties, for they were equally violent against the Dissenters, from whom they could expect none. They, in fact, formed a middle class, between the court and the people, now hostile to both, but naturally belonging to the former.

Charles and his minister soon found that the most effectual means for securing such capricious allies, was bribery. He was insatiable in his cravings after bribes himself, he bribed his ministers;\* it is no

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\* The commissioners for arranging both the secret treaties received large sums from France for their good offices. Arlington had a pension of 10,000 crowns, and the Countess of Shrewsbury (Buckingham's mistress), 10,000 livres. Lauderdale, Buckingham, and Ashley Cooper, were also to be offered presents; but the character of Shaftesbury forbids us to suppose that he accepted his. Amid all the discoveries that have been made of the venality of public men of this age, this is the only hint that appears against him. These wages were earned and paid with the approbation of Charles.

On the 16th of October and 3d of November, 1670, Colbert writes that he had given the presents to the commissioners of the first treaty, and that King Charles had ordered them to take them.—*Dalrymple, App.*, p. 82.

In 1681, Barillon writes, that when Shaftesbury, at the end of the Dutch war, was advising Charles to quit the French and make a Spanish alliance, Charles asked him "How much the Spaniards had given him?" He answered, "Nothing at all." "Then," said the king, "you owe them nothing, for they offered Arlington £40,000.

CHAP. wonder that he should extend his favourite system to  
 II. the commons. Andrew Marvell's pamphlet, called  
 A.D. 1672 "A List of the principal Labourers in the great  
 to 1678. Design of Popery and arbitrary Power," enumerates  
 two hundred and fifteen of the members of this  
 house, who received pensions from the court—a  
 phalanx, which, if properly managed, was sufficient  
 to render the influence of the crown paramount in  
 that assembly.

Many of these, however, were suffered to remain  
 among the ranks of the opposition, and appeared as  
 the supporters of the court only when their votes  
 were absolutely necessary, and when, of course, their  
 desertion was most severely felt.

The expediency of this system of tactics was  
 particularly evident at the commencement of the  
 session of 1703. The opposition had agreed to  
 grant the king a subsidy of £600,000, and appointed  
 Mr. Garroway and Sir Thomas Lee, who were  
 conspicuous members of their party, to move a  
 supply to this amount. The court wanted at least  
 £1,200,000 to carry on the war, and Garroway, to  
 the astonishment of the house, named that sum.  
 When this proposition was seconded by Lee, his  
 party was so taken by surprise, that this extraordinary  
 sum was voted without opposition.\*

\* Burnet, however, characterizes Sir Thomas Lee, as "a man that valued himself upon artifice and cunning, in which he was a

Another instance is necessary, to show the nature of the opposition which this house of commons offered to the designs of Charles, and to demonstrate that they who could compel the king to abandon his claim to a dispensing power, when exerted in favour of the dissenters, who could refuse him supplies, impeach his ministers, and condemn his acts, were yet deemed capable of enacting a law, that Charles the First, in his brightest dreams of extended power, would hardly have thought of proposing to an English parliament.

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This measure was called “An Act to prevent the Dangers which may arise from Persons disaffected to the Government.” By this bill, all members of the legislature, and all who held any public office, whether civil, military, or ecclesiastical, were obliged, under a penalty of £500, to take an extraordinary oath, which had already been enjoined, in a modified form, by an act passed while the commons were yet eager in their loyalty. This oath consisted of a declaration, that it was not lawful, upon any pretence whatever, to take up arms against the king; and that the person taking it abhorred that traitorous position of

great master, without being out of countenance when it was discovered.

The most extraordinary circumstance in this affair is, that

these two men, although notoriously rewarded by the court for their treachery, continued to act

with the leaders of the opposition.



CHAP. taking arms, by his authority, against his person,  
 II. or against those commissioned by him, in pursuance  
 A.D. 1672 of any commission; and that he would not, at any  
 to 1678. time, endeavour the alteration of government, either  
 in church or state.

The operation of the Test Act, and the temper manifested by the nation, had scattered the members of the Cabal. The Earl of Danby was the minister who originated this infamous attempt to render the dogma of passive obedience a part of the English constitution, and to fetter even the members of the legislature. The freedom of debate was, indeed, reserved, but the ministry did not hesitate to avow that it was their intention to restrain them from speaking or writing upon affairs of state without the walls of their several houses.

Yet this bill passed the House of Lords, and there is reason to suppose, would have passed the house of commons, but for the energy and ingenuity of one man. Shaftesbury, although long held by his ungovernable ambition in the trammels of the court, and, although an active and a guilty member of the Cabal, was naturally a friend to the liberties of his country. His love of power had seduced him into many unjustifiable acts, but it could not lead him beyond a certain point. When he found that there could be no longer any doubt as to the ultimate tendency of the designs of the royal brothers, he

at once conquered the delusion that hung over him. No offers of pecuniary recompense from France ; no promise of favour from the king, not even the offer of the treasurer's staff could allure him to the side of Charles and Louis. Henceforward he is to be found among the friends of the constitution.\*

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A.D. 1672  
to 1678.

This man found means, by bringing about a collision between the two houses, to defeat the bill, and thus effected, by manœuvre, what the country party in the commons had despaired of accomplishing by open opposition.

An opposition which would have allowed such a measure as this to pass, could not be very patriotic, or at least very constitutional, in their principles. It is manifest that the majority consisted of zealots of the church of England who hated the Catholics and the dissenters, because they obstinately differed from them in religion ; and France, because her money and influence protected the former of these two objects of their persecution.

Lee, Garroway, Meres, and a part of their followers, are treated with indulgence, when these are assigned as their motives of opposition ; but numbered among the country party was a little band whose conduct proceeded from other and purer principles. These were the first professors

\* Martyn's Life of Shaftesbury, vol. ii., p. 87.

CHAP. of a political creed which was at this time new  
 II. to England. Taught by the events which had  
 A.D. 1672 to 1678. so lately passed before their eyes, they no longer  
 indulged in visionary schemes of republican govern-  
 ment; but while they were firm in their attachment  
 to the monarchy, they regarded it as an institution of  
 expediency, not of divine appointment, established  
 for the benefit of the governed, not for the pleasure  
 of the prince.

This section of the opposition represented the  
 sentiments of a great portion, although, perhaps, not  
 of the majority, of the nation; for this house of  
 commons had sat so long that they had ceased to be  
 in any way influenced by public opinion, and began  
 to consider that they held their seats at the pleasure  
 of the crown.

Of the popular leaders, some had been drawn from  
 private life by the impending danger, others came  
 from the best remnants of the old republican party,  
 and many also belonged to those families which had,  
 in the time of danger, proved the stanchest sup-  
 porters of the Stuarts.

At the head of this band stands the well-remem-  
 bered name of Lord William Russell, a worthy leader  
 for a party which disclaimed every other motive than  
 that of patriotism. Determined to defend his liberty  
 and his religion, he yet bounded all his views of  
 opposition by the necessity of that defence, he had

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II.A.D. 1672  
to 1678.

no wish for a republic, no thought of injury to the monarchy; but he had resolved never to bow to an absolute master, or to a popish priest. Although himself a conscientious member of the established church, he was yet tolerant towards the dissenters, and if his zeal was hot against the Catholics, it was not because they differed from him in religion, but because he knew them to be dangerous conspirators against his country. Russell was gifted with no great powers of eloquence, nor, indeed, with any evidently superior talent; but he had that sterling sense which well supplies its place, and a judgment which never received its bias from another.\* But the circumstance which gained for Russell the confidence of the nation, was the universal belief in his honesty of purpose. Whether we receive his character from friends or foes, his fame is equally spotless. Temple laments his influence in the house of commons, as being “a person in general repute, an honest worthy gentleman, without tricks, or private ambition, and who was known to ven-

\* “He had so just a soul, so firm, so good, he could not warp from such principles that were so unless misguided by his understanding, and that his own not another’s: for I dare say, as he could discern, he never went into any thing considerable upon the mere submission to any one’s particular judgment.”—*Letter from Lady Russell to Dr. Fitzwilliam.*

CHAP. ture as great a stake, perhaps, as any subject in  
 II. England.”\*

A.D. 1672  
 to 1678. Even Bishop Spratt, the author of that tissue of truth and fiction, which, after undergoing the revision of James, was published under the title of a “History of the Rye House Plot,” did not dare to become the calumniator of Russell; but when the revolution had enabled him to speak with freedom, described him as a person of great probity and constant abhorrence of falsehood. When we find this testimony in his favour, given by those who little loved the cause in which he was engaged we may credit the eulogy bestowed upon him by Burnet. “Lord Russell,” says the bishop, “was a man of great candour, and of a general reputation; universally beloved and trusted, of a generous and obliging temper. He had given such proofs of an undaunted courage, and of an unshaken firmness, that I never knew any man have so entire a credit in the nation as he had. He quickly got out of some of the disorders† into which the court had drawn him, and

\* Temple’s Memoirs, Works, vol. ii., p. 532.

† It was probably these irregularities which gave Mr. Russell (he did not become Lord Russell until afterwards, when his elder brother died) that reputation for

courage which the bishop mentions. Lord John Russell has preserved two letters, each written when about to engage in a duel: and one of these contests, we learn, was with a very dangerous adversary.

ever after that his life was unblemished in all respects. He had, from his first education, an inclination to favour the Non-conformists, and wished the laws could have been made more easy to them, or they more pliant to the law. He was a slow man, and of little discourse ; but he had a true judgment, when he considered things at his own leisure. His understanding was not defective, but his virtues were so eminent, that they would have more than balanced real defects, if any had been found in the other.”

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II.

A. D. 1672  
to 1678.

The first public act of Russell’s life was worthy of his after career. His name first occurs, in the parliamentary history, as a speaker against the Cabal, inveighing against the corruption of these ministers,—the influence of France—the dishonourable commencement of the war with Holland—and the fraud practised upon the bankers. He is ever after to be found conspicuous wherever the designs of the court could be traversed, or the cause of constitutional liberty befriended.

Second only to Russell among the chiefs of this infant party, was Lord Cavendish, afterwards the first Duke of Devonshire. Like all the nobility of this reign, his early youth had been devoted to the gaities of the court ; to which, indeed, he had been early initiated, since he was one of those eldest sons of peers who bore the king’s train upon the restoration.

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II.

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to 1678.

Descended from a family eminent for their loyalty, a son of the pupil of Hobbs, and himself his intimate, he might have been expected to second all the designs of the court, and to pass through life a favoured courtier of the two last Stuart kings. But loyalty to Charles involved a meanness of spirit which was foreign to the character of this English nobleman; possessed of a sound understanding, a penetrating judgment, indomitable courage, and a resolution which nothing could shake, he was just the man to penetrate the disgraceful designs of the court, and having discovered these to become a constant and a dangerous enemy.

Lord Cavendish was now in the prime of manhood; an eloquent and somewhat violent debater; and holding, throughout the nation, a reputation for integrity, which rendered him worthy to be as he was, the inseparable friend of Lord W. Russell. His speeches, like those of many others of the popular leaders, were eagerly caught up and published, and their influence was sufficiently great to obtain for them the condemnation of the house of lords.

The patriotism of Lord Cavendish bore no feature of austerity; an elegant scholar, a handsome suitor, graceful in his address, he mingled in the gallantries of the court, without any compromise of his principles, and would often appear in the king's

presence just after he had, in the house of commons, been violently opposing his measures.\*

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to 1678.

Sir William Coventry was another active member of the opposition in the commons; he was experienced in all the forms of the house, having sat in parliament since 1661. Sir William had commenced his career in the service of the court; he held the office of secretary to the Duke of York, and whilst in this situation, was knighted by the king. His fortunes seemed daily augmenting. The duke was lord high admiral, and Coventry became secretary to the navy, and afterwards one of the commissioners for executing the office of lord treasurer. But the time then arrived when none but unscrupulous in-

\* Kennett, in his "Funeral Sermon," and his "Memoirs of the Family of Cavendish," relates several anecdotes of this nobleman. "While he was at Paris," he says, "he was most rudely affronted at an opera, by three officers of the king's guard, who came full of wine upon the stage. One of them coming up to him with a very insulting question, my lord gave him a severe blow upon the face, upon which they all drew and pushed hard upon him. He got his back against one of the screens, and made a stout defence, receiving several wounds, until a sturdy Swiss of my Lord Ambassador Montagu's caught him up in his arms and threw him over the stage into the pit. In his fall, one of his arms was caught by an iron spike, which tore out the flesh, and left a scar very visible to his dying day." Upon another occasion, he led a Colonel Culpepper, who had insulted him, out of the presence chamber by the nose, and being fined £30,000 for this exploit, he escaped from prison, and imprisoned the sheriff who came to arrest him, until he had made his peace with the law.



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to 1671.

struments of their new designs could remain near the duke or his brother. Sir William was dismissed his office, because he was found intractable, and made way for Clifford and the rest of the Cabal. The sacrifice which he thus made was decisive evidence of his sincerity, and he met with proportionable consideration from the country party. He had, ever since he left office, exerted the whole of his great abilities to draw the king from his French alliances, and to engage him in a war with that power; and in these attempts he was ever assisted by the best and soberest part of the house of commons.\* His conduct in opposition seems to justify the character given him by Lord John Russell, who describes him as “the model of a country gentleman—open, honest, and sensible, not swayed either by ambition or animosity.”†

If we look upon these three men as the leaders of the opposition in the commons, we must remember that Hampden, Littleton, Powle, and Birch, held also prominent situations among their party, and yielded to none in zeal. Hampden, wise and temperate, seemed to emulate the firmness of his illustrious father. Littleton, profoundly skilled in the history of his country, and thoroughly acquainted with all her institutions, joined to the

\* Wood's Athen. Ox.—Temple's Memoirs.

† Life of Lord William Russell, p. 37.

merit of an eloquent speaker, a logical style of reasoning which is eminently appreciated in an assembly constituted like a British house of commons. Powle was a practised debater, and a good parliamentary tactician. Colonel Birch was the opposite of the two last: violent and declamatory in his harangues, he was calculated rather to lead a popular meeting than to convince a deliberative assembly. He was a remnant of the old Roundhead party, and had risen to the station which he now held by the courage and conduct he had discovered during the civil wars.\* Birch's original occupation had been that of a carrier, and he was accused of affectedly retaining the phrases in his speeches in parliament which he had been accustomed to use in his early occupation. He was, however, a vigilant and an useful member; one of those memorials of the revolution which were not without their utility, since they served to refresh the memory of a king, who, in his strides towards arbitrary power, was in danger of forgetting that such a thing had been.†

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A.D. 1672  
to 1678.

\* Burnet.

† Birch's personal appearance seems to have been very formidable. Many years later than the time we are now treating of, the Duke of Shrewsbury, writing from Rome to the Duke of Marlbo-

rough, and congratulating him upon his success at Schellengerg, says, "Your name is so terrible in these parts, that in this holy ignorant city, they have an idea of you as Tamerlane, and had I a picture of old Colonel Birch, with his

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to 1678.

We must not forget to number among the founders of the Whig party in the house of commons, the celebrated Andrew Marvell, who, although so little gifted with eloquence, that he never addressed the house, except upon the occasion of a quarrel into which he was forced during a debate, was yet of great assistance to the cause of that party. He supported them with his assiduous attendance and constant votes in parliament, and by his powerful writings without.

Andrew Marvell was the son of a clergyman, whom Echard styles “the facetious Calvinistic Minister of Hull.” In his youth, his strong and unregulated mind bore him into many extremes. He was, at one time, seduced from Cambridge by the Jesuits, and, although reclaimed by his father, his conduct was so little satisfactory to that university, that, in 1641, the authorities of his college deprived him of the exhibition he held.

After many years spent in travel and private life, we find Marvell the friend of John Milton, and associated with that illustrious man as assistant Latin secretary to Cromwell. In 1660, the electors of his native town sent him to parliament, and he requited their confidence by writing to them, by every post, a history of the proceedings of

whiskers, I could put it off for by Raphael.”—*Shrewsbury Correspondence*.  
yours, and change it for one done

the assembly of which they had made him a member. CHAP.  
II.

At the time of the formation of the Whig party, A.D. 1672  
to 1678. Marvell had spent the slender patrimony he had received from his father, and was compelled to accept the wages, which, according to ancient usage, the representatives of boroughs and counties were entitled to receive from their constituents. Marvell was the last who ever received these wages. Such, however, was the affection which subsisted between him and his constituents, that this was cheerfully paid, and we find him constantly thanking them for other presents which he had received.

Marvell, although poor, was incorruptible. He was at this time living on the second floor, in a court near the Strand, in rooms that had little pretension to comfort, and none to respectability; but his wit and talent, although employed against the court, rendered Charles curious to enjoy the company of a man so much spoken of. Marvell was introduced, and the king found his wit and address had not been overstated. Willing to disarm so powerful a satirist, or to gain so useful an ally, he sent Lord Danby, then his lord treasurer, to him on the following morning. Lord Danby, says Mr. Dove, from the darkness of the staircase, and its narrowness, abruptly burst open the door, and suddenly entered the room in which

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he found Marvell writing. Astonished at the sight of so noble and unexpected a visiter, Marvell asked his lordship, with a smile, if he had not mistaken his way. “Not since I have found Mr. Marvell,” replied the treasurer, continuing that he came with a message from the king, who wished to do him some signal service, on account of the high opinion his majesty had of his merits. Marvell replied with his usual pleasantry, that his majesty had it not in his power to serve him. But, becoming more serious, he told the lord treasurer that he knew the nature of courts too well not to be sensible, that whoever is distinguished by a prince’s favour is expected to vote in his interest. The Lord Danby told him, he only desired to know whether there was any place at court he would accept. He told the lord treasurer he could not accept any thing with honour; for he must be either ungrateful to the king, in voting against him, or false to his country, in giving in to the measures of the court. Therefore, the only favour he begged of his majesty was, that he would esteem him as dutiful a subject as any he had, and more in his proper interest in refusing his offers, than if he had accepted them. The Lord Danby, finding that no argument could prevail, told Marvell that the king requested his acceptance of £1000; but this was rejected with the same steadiness; though soon after the departure of his

noble visiter, he was obliged to borrow a guinea from a friend.

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A pamphlet printed in Ireland about the year 1754, and quoted by the same author, gives a more particular account of the rejection of this £1000. The treasurer, at parting, it is said, slipped into Marvell's hand an order upon the treasury for that amount, and was moving towards his carriage, but Marvell stopped him, and taking him again upstairs, called his servant boy, when the following colloquy ensued: "Jack Child, what had I for dinner yesterday?"—"Don't you remember, sir, you had the little shoulder of mutton, that you ordered me to bring from the woman in the market?" "Very right, Child, what have I for dinner to-day?"—"Don't you know, sir, that you bid me lay by the blade-bone to broil?"—"Tis so, very right, Child, go away."—"My lord, do you hear that Andrew Marvell's dinner is provided? There's your piece of paper, I want it not; I knew the sort of kindness you intended. I live here to serve my constituents; the ministry may seek men for their purpose, I am not one."

Marvell did not always, however, dine thus scantily. The Gentleman's Magazine for 1738, has the following anecdote: "Marvell frequently dined at an ordinary in the Strand, where, having one day eaten heartily of boiled beef, he drank his pint of

CHAP. port ; and, on paying the reckoning, he took a piece  
 II. out of his pocket, and holding it between his finger  
 A.D. 1672 and thumb—‘ Gentlemen,’ said he, ‘ who would let  
 to 1678. himself out for hire, while he can have such a dinner  
 for half-a-crown ? ’ ”

Amid the charges of corruption which are showered upon both parties of the public men of this period, it is pleasing to linger over such a character as that of Marvell. But although one of the founders of the Whig party, he never knew that party name. He died on the 16th of August, 1678, before it was applied to the opposition in the English parliament.\*

These are the leaders in the commons who have been mentioned as the founders of that party which came afterwards to be called Whigs. The party which supported them in all their measures was small, although, whenever the question was upon France or popery, they were joined by those who, upon other occasions, voted with the court, and then constituted a majority.

If this party was humble in its origin among the commons, it was yet more so in the lords. These consisted generally of men who had endured exile

\* Dove’s Life of Marvell — the procurement of the court, in  
 Thompson’s Life of Marvell, revenge for the pamphlet he had  
 Works, vol. iii. Thompson in- written, called “ The Growth  
 sinuates that he was poisoned by of Popery.”

and proscription, who remembered the prevalence of popular notions of government only as the harbinger of their former sufferings, and considered that their existence as a body depended upon their intimate connexion with the crown. It may be readily conceived that very little of the principle upon which the conduct of the new party was professedly founded could enter into such an assembly as this.

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Still, however, there were some few, even among these, who hated the tyranny of a king as sincerely as that of a people, and were worthy to contend by the side of Russell and Coventry. It is remarkable that several of the best and most disinterested of these patriot noblemen were descended from families eminent for their loyalty to the Stuarts, and for the devotedness with which they had adhered to them when in adverse fortunes. Of these, one of the most illustrious was the popular and unfortunate Earl of Essex. This nobleman was, perhaps, of all others, the one who might have been supposed to be most wedded to the court; he was the son of that Lord Capel whose loyalty to Charles the First brought him to the scaffold, and who there declared that there was not a more virtuous and sufficient prince known in the world than that king. This nobleman, however, although he bore as his device a sceptre and crown,



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with the motto, "Perfectissima gubernatio," had been, in the earlier part of his career, one of those who opposed the usurpations of Charles the First.

His son chose to follow the example of his father's youth. Although high in favour with the restored monarch, who rewarded in the son the merit of the father, he could be bribed neither by honours or lucrative appointments, to become a servant of the court. An embassy to Denmark, a seat at the privy council board, and, lastly, the lord lieutenancy of Ireland, had been bestowed upon him, as evidences of the anxiety of the king to withdraw him from the party which opposed his measures. But Essex was soon discovered to be very unfit for this last office. The revenue of Ireland, like every other branch of the national accounts, was looked upon as a lawful prey by the minions of the court : the Duchess of Portsmouth drew from it a large yearly pension, and the king himself embezzled a still larger sum. Charles was astonished at the scruples which induced his viceroy to refuse to pass accounts calculated to disguise these practices, but they were scruples far too inconvenient to be tolerated, and Essex was soon superseded by a lord lieutenant of more accommodating principles. Thus, after a short respite of five years, from her usual curse of misgovernment, Ireland was again abandoned to the rapacity of the undertakers

for the court.\* England was, however, the gainer, for the earl returned at a critical period, and placed himself among the opposition in the house of lords at a time when his aid was not a little wanted to preserve the semblance of a liberal party there.

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The Earl of Essex was of a thoughtful and cautious temperament; he was studious in his habits, but his speeches in parliament were free, sometimes even eloquent, and his opponents were cautious of provoking his sharp and ready repartee. His political opinions were founded upon the fundamental principle that the obligation between the sovereign and the subject is mutual, and that any important breach of that obligation on the part of the former cancels the allegiance of the latter. He was constant in his defence of the protestant religion, and in his opposition to popery, a conduct which is said to have been dictated entirely by political motives.†

After this nobleman, we may rank Lord Holles, who was associated with him in a compliment made them by the king, a compliment which was valuable

\* Essex writes to Mr. Harbord, in 1675, "This country has been perpetually rent and torn since his majesty's restoration. I can compare it to nothing better than the flinging the reward upon the

death of a deer among a pack of hounds, where every one pulls and tears what he can for himself."—*Letters*, p. 334. Essex was recalled in 1677.

† Burnet, vol. i., p. 396.

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because undesigned. “The king,” says Burnet, “who was often weary of time, and did not know how to get round the day, liked the going to the house as a pleasant diversion ; so he went constantly, and he quickly left the throne and stood by the fire, which drew a crowd about him, that broke all the decency of that house ; for, before that time, every lord sat regularly in his place, but the king coming broke the order of their sitting as became senators. The king going thither had a much worse effect, for he became a common solicitor, not only in public affairs, but even in private matters of justice. He would, in a very little time, have gone round the house, and spoke to every man that he thought worth speaking to ; and he was apt to do that upon the solicitation of any of the ladies in favour, or any that had credit with them. He knew well on whom he could prevail ; so being once in a matter of justice desired to speak to the Earl of Essex and the Lord Holles, he said they were stiff and sullen men ; but when he was next desired to solicit two others, he undertook to do it, and said they were men of no conscience, so I will take the government of their conscience into my own hands.” \*

Holles had been in early youth an intimate friend

\* Burnet, vol. i., p. 272.

of Charles I., when Prince of Wales, and he was brother-in-law to the unfortunate and guilty Earl of Strafford. Afterwards, as Mr. Denzel Holles, he had been one of the great leaders of the presbyterian party throughout the time of the Commonwealth. Like many others of his sect, he became at length convinced that the monarchical form of government was most adapted to the genius of his country, and he assisted with ardour in the work of the restoration. For his important services during the progress of this delicate affair, he was created a peer, and he brought with him into the house of lords all his original enthusiasm for liberty and all his natural hatred of tyranny. But these were now purged from any chimerical views towards a republican form of government; they terminated in a free constitution and a limited monarchy.\*

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Holles had, however, been always moderate in his views. During the civil wars, he was ever anxious to procure an accommodation with the king: his zeal in this respect, when one of the parliamentary commissioners at Oxford, brought him under the censure of the more violent majority, and when acting in a similar capacity at the Isle of Wight, he went upon his knees to the king to beseech him to

\* Collins's Historical Memoirs of the Family of Holles.

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II. sume his crown as a constitutional monarch.

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Holles is described by Burnet\* as a man of great courage and of as great pride. He appears to have opposed the tyranny of Cromwell as warmly as he did that of Charles; an opposition which that dictator returned by a hatred which he could not venture to gratify. Faithful in his friendships and open in his enmities, he seems to have been a specimen of the sterling English character; he never flattered a friend, or dissembled his hatred of a foe. In debate he was vehement, but impatient of contradiction; firm in his resolution, and always consistent in his policy; he possessed a skill in argument, which, when his natural passion would admit of its exercise, always produced a visible effect upon the house. Holles was now in his natural place among the opposition.

The high-spirited and patriotic Earl of Salisbury also deserves mention, as one of the leaders of the new party; nor must Wharton be omitted, whose life was a scene of violent but honest opposition to those principles which were at that time the badge of his order. Wharton was afterwards one of the first noblemen who joined the standard of the

\* Vol. i., p. 97.

Prince of Orange, and wherever he appears in the public history of his time, we recognise, notwithstanding his occasional intemperance, the conduct of a firm and consistent Whig nobleman. It is a singular instance of the uncertainty of fame, that while the reckless and profligate Philip Wharton, has obtained a place in all the ordinary biographies, his more patriotic ancestors are known only by the occasional mention made of them by the contemporary historians, and by the frequent occurrence of their names in the parliamentary history.

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“These,” in the words of Burnet, “were the chief men that preserved the nation from a very deceitful and practising court, and from a corrupt house of commons. And by their skill and firmness, they, from a small number who began the opposition, grew at last to be the majority.”

But these illustrious founders of a new school of politicians did not labour entirely alone. They had allies who must be distinguished from them, because they differed from them either in their motives or their principles. I know not whether this consideration should induce us to rank Shaftesbury as second to Russell. Ambition, although in the eyes of a theorist it may detract from the purity of patriotism, is a powerful and a useful incentive to a statesman; all that can be hoped for is, that it be restrained and regulated by the purer motive.

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The ambition of Shaftesbury had once borne him far away, but his after life was spent in atoning for his error—an error which will admit of much palliation, when we consider the character of the man, the confidence which he placed in his own extraordinary abilities; the proof which exists that he always used his influence in opposition to the most mischievous of the designs of his colleagues, and the manner in which he withdrew from their side, when he found that these could no longer be withstood.

Shaftesbury found himself, before he arrived at manhood, in uncontrolled possession of a property which gave him considerable influence in his county. The country was upon the eve of a civil war, and both parties courted his alliance. Scarcely twenty years old, the young baronet formed the chimerical idea of becoming mediator between the two contending parties; and he submitted his scheme to the king, who listened to him with more politeness than could have been expected, and promised that it should have a trial. It, of course, failed, and Sir Ashley Cooper considered himself ill-used. His expressions of discontent would probably have cost him dear, had he not received information from a friend that the royal order was issued to secure him. Upon this he made his escape to London, and became one of the most eminent of the parliamentary leaders in the council, and not the least active in the

field; possessed of a most persuasive address and gifted with a powerful eloquence, the scenes in which he now found himself, were those most congenial to his restless spirit. With a tact which never deserted him, he contrived to avoid all those violent measures which brought subsequent ruin upon their authors, and to maintain his influence throughout all the changes of this unstable period. The same foresight which protected him through the time of the Commonwealth, enabled him to anticipate its end. He saw the nation ripe for a restoration, and he resolved to have a conspicuous part in bringing it about. The event concurred with his usual fortune; he succeeded in baffling all the designs of the Republicans, eluded the vigilance of the committee of safety, influenced the irresolute mind of Monk, and joined in the triumph which he had so materially assisted to obtain.

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His buoyant genius had borne him safely over the storms of the Commonwealth; he was not less fortunate under the restored monarchy. His own engaging address, the service he had performed, and the friendship of Monk, obtained him the favour of the king. He was created a member of the privy council, raised to the peerage, received into the ministry, and made chancellor of the exchequer, in rapid succession; and thence he was again ap-



CHAP. pointed to be lord chancellor, with the earldom of  
II. Shaftesbury.

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to 1678. In return for all these favours, he sacrificed largely at the shrine of prerogative; his conduct was, at least, indecent, when he sat as one of the commissioners who condemned the regicides. He showed little tenderness for the constitution when he advised the declaration of indulgence; but he completed the climax of his crimes against his country, when he suffered himself to be put forward as the champion of the Cabal and the advocate of their foreign policy; when he defended the iniquitous Dutch war, and denounced Holland as a nation which it behoved England to destroy.\*

His supporters have defended him by saying, that in pronouncing this speech, he was merely delivering the sentiments of the ministry, and that the address he spoke was substituted by the rest of the Cabal for another which he had himself prepared. But the fallacy of such an excuse is too apparent to need exposure; the first expedient which occurs to an honourable man is to resign an office, when he finds its duties such as he cannot conscientiously fulfil.

\* Shaftesbury's speech, in which land, is well known both for its he applied the words of Cato— tenour and its effects.

“Delenda est Carthago”—to Hol-

This, as it was the greatest, so it was his last sacrifice to the court. We have already seen, that as soon as he found that the question between the king and his commons was one of absolute or limited monarchy, and of a catholic or protestant establishment, he at once deserted the court and ranked himself among the friends of the constitution.\*

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It may be considered strange that I have thus excluded this able and influential man from the list of the founders of the Whig party. He was certainly the leader of the great body of the opposition, and has often been cited as one of the oracles of the first Whigs; but he would be more correctly considered the head of a section, acting, indeed, with that party, but differing from them both in their motives and principles. Shaftesbury's opposition to the court was, doubtless, productive of important service to his country. As the father of the Habeas Corpus Act, and the originator of that measure which afterwards purified our corrupted courts of justice, by rendering the judges independent of the crown, he would alone deserve the gratitude of all generations of his countrymen.

But his exertions in favour of these measures, great and meritorious as they were, proceeded from no fixed principles of constitutional liberty. The

\* Martyn's Life of Shaftesbury.

CHAP. man who could write and publish a defence of the  
 II. declaration of indulgence, and premeditatedly assert  
 A.D. 1672 to 1678. that there is inherent in the crown a power to suspend the force of the acts of the legislature,\* has much to learn before he can assent to the comprehensive doctrines of the early Whigs. Shaftesbury, therefore, although looked upon by the Whigs as an important ally, was never treated with that cordiality and confidence which can only be the result of an entire community of sentiment. His ambitious spirit, and his commanding talents, procured for him an influence which those who felt it endeavoured in vain to resist ; but they never forgot that he had been a member of the Cabal, and the nickname of Alderman Shiftsbury, by which he was good-humouredly designated by the people, showed, that although they valued his present services, they were not confident of their continuance.

Buckingham's character is far less mixed, although he is another of those who must be classed as occasional allies of the Whig party. This nobleman was naturally and essentially a minion of the court ; every popular vote he gave was prompted either by resentment against the king, or fear of the commons. He, Lord Percy, and the philosopher Hobbes, formed the

\* Letter from a person of quality, printed among Locke's works, but well known to have been written, if not by Shaftesbury himself, at least under his immediate direction.

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triumvirate, who enjoyed the reputation of having made Charles what he was, and the proficiency of their pupil certainly did credit to their assiduity and address. Without one principle of friendship, morality, or patriotism, utterly destitute of religion, yet discovering in some instances the credulity of a child,\* Buckingham continued for a long time to hold important influence in the government of England. His bold and natural wit captivated Charles, who found in him also an unscrupulous instrument, both of his political crimes and his private pleasures. In the latter capacity, his address was admirable; and Charles testified his approval of his courtier's taste, by the honours he lavished upon Louisa de Querouaille, who owed her title of Duchess of Portsmouth to the introduction of Buckingham. In the former, however, he was less successful: his great inducement to undertake the conduct of the "traité simulé" was a promise from the king† of the command of a body

\* Burnet says that the only knowledge Buckingham possessed was some skill in chemistry, which was the fashionable study of the time. The duke had very sanguine hopes of discovering the philosopher's stone. This, however, was a favourite accusation with the bishop; he advances a very similar one against Shaftes-

bury. Buckingham soon found that all the best qualities of the philosopher's stone were to be found in the favour of the French king.

† Dalrymple's App.—Buckingham should have known better than to trust a promise from Charles; he was duped throughout the whole progress of the treaty, and cheated of his expected reward.

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of troops which, by one of its provisions, was to be placed at the disposal of the French king. Even Charles hesitated to confide the secret of his grand design to Buckingham, not that that pliant courtier was likely to have any scruples as to the iniquity of the scheme, but he could not be depended upon to keep the secret. Such was one of the men whom the severe circumstances of these times obliged the patriot party to acknowledge as an ally.

Infinitely superior to him, but belonging to the same class of uncertain politicians, was Lord Halifax, whose character is so well drawn by Burnet, that I shall give it in the words of that historian: "Sir George Saville, who rose afterwards to be Viscount, Earl, and Marquis Halifax, was a man of a great and ready wit, full of life and very pleasant, much turned to satire. He let his wit run much on matters of religion, so that he passed for a bold determined atheist, though he often protested to me he was not one, and said he believed there was not one in the world; he confessed he could not swallow down every thing that divines imposed on the world; he was a Christian in submission; he believed as much as he could, and he hoped that God would not lay it to his charge, if he could not digest iron as an ostrich did, nor take into his belief things that must burst him. If he had any scruples, they were not sought for nor cherished by him, for he never read an atheistical

book. In a fit of sickness, I knew him very much touched with a sense of religion ; I was then very often with him, he seemed full of good purposes, but they went off with his sickness ; he was always talking of morality and friendship ; he was punctual in all payments, and just in all his private dealings ; but with relation to the public, he went backwards and forwards, and changed sides so often, that in conclusion no side trusted him. He seemed full of Commonwealth notions, yet he went into the worst part of King Charles's reign ; the liveliness of his imagination was always too hard for his judgment, a severe jest was preferred by him to all arguments whatsoever, and he was endless in consultations ; for when after much discourse a point was settled, if he could find a new jest to make even that which was suggested by himself seem ridiculous, he could not hold, but would study to raise the credit of his wit, though it made others call his judgment in question. When he talked to me as a philosopher of his contempt of the world, I asked him what he meant by getting so many new titles, which I called the hanging himself about with bells and tinsel ? He had no other excuse for it but this, that since the world were such fools as to value such matters, a man must be a fool for company ; he considered them but as rattles, yet rattles please children, so these might be of use to his family. His heart was much set on

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CHAP. raising his family, but though he made a vast estate  
 II. for them, he buried two of his sons himself, and  
 A.D. 1672 almost all his grandchildren.  
 to 1678.

“The son that survived was an honest man, but far inferior to him.”

There is yet one man, who, although of incorruptible patriotism, and well cultivated talent, can be placed only among the allies of the new party. Algernon Sydney was not a Whig but an enthusiastic Republican. He had fought for the parliament during the civil wars; and, so eminent were his services, that he at one time held the offices of lieutenant-general of the horse in Ireland, and governor of Dublin. Sydney entered into the most violent measures of his party, with the single exception of the death of the king. He was named in the commission for the trial of the king. His name occurs twice in the “Clerk of the Court’s Book,” and he was, therefore, accused of being one of the regicides.\* The following is his own

\* In the pamphlet called “Reflections upon Colonel Sydney’s Last Paper,” the circumstance of his name appearing in the “Clerk of the Court’s Book” is much insisted upon, and the supposition that he sat upon the trial, although erroneous, was general. He acknowledges in a letter to his

father, that he favoured it. He wrote, in the Album of the university of Copenhagen (when ambassador from the English Commonwealth at the court of Denmark), these lines :

“Manus hæc inimica tyrannis  
 Ense petit placidam sub libertate quietem.”

account of his conduct upon this occasion: “ I do not know the particulars, but the truth of what passed I do very well remember. I was at Penhurst when the act for the trial passed, and coming up to town, I heard my name was put in, and that those that were nominated for judges were then in the painted chamber. I presently went thither, heard the act read, and found my own name with others. A debate was raised how they should proceed upon it; and, after having been some time silent to hear what those would say who had had the directing of that business, I did positively oppose Cromwell, Bradshawe, and others, who would have the trial to go on, and drew my reasons from these two points: first, the king could be tried by no court; secondly, that no man could be tried by that court. This being alleged in vain, and Cromwell using these formal words, ‘ I tell you we will cut off his head with the crown upon it,’ I replied, ‘ You may take your own course, I cannot stop you, but I will keep myself clear from having any hand in the business;’ immediately went out of the room, and never returned. This is all that passed publicly, or

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He repeated them in the book of mottoes in the royal library in the same city. Terlon, the French ambassador, being told that these, to him unintelligi-

ble, lines contained a revolutionary sentiment, tore them out of the book.—*Lord Molesworth's Account of Denmark,—Preface.*



CHAP. that can be with truth recorded or taken notice of.”\*  
II.

A.D. 1672 When the sentence was passed, Sydney therefore was  
to 1678. not present, and as he did not sign the warrant for the  
execution, he escaped being excepted as a regicide  
from the act of indemnity.

When the first burst of Republican feeling had passed, Sydney continued firm, when others abandoned their new principles and submitted to Cromwell. Many of these had only been goaded into passion by the tyranny of the late king, but Sydney was zealous for a Republic, because he had made the science of government the great study of his life, and had come to the conclusion, that that form was the best. A man may more easily be bribed to betray his principles than to renounce a favourite theory; the new dictator had no argument that could convince, and no bribe that would buy the enthusiast: immediately upon Cromwell's usurpation of the supreme power, Sydney renounced every public employment, and retired to meditate upon the scenes in which he had acted. It was probably at this period, when he was no longer permitted to propagate his opinions with the sword, that he dis-

\* Blencowe's Sydney Papers, by the supposition that Sydney's  
237. Sydney goes on to say, "I intention was to procure the  
had an intention which is not very concurrence of both houses of par-  
fit for a letter;" and Sir James liament in the deposition of the  
Macintosh interprets the passage king.—*Ib.* 283.

covered his ability to defend them with the pen, and commenced that answer to Filmer's "Patriarchia," which was afterwards made use of as the instrument of his death.

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When the long parliament was restored upon the resignation of Richard Cromwell, and declared that their hostility to monarchy was unabated, Sydney returned to his post, and became one of the council of state: but he had no part in those intrigues by which the majority of the members of this body were induced to forward the restoration. It was probably in order to remove so uncompromising a character, that he was sent with Sir Robert Honeywood upon an embassy to Denmark; the object of which, was to interpose the mediation of England between the Kings of Denmark and Sweden.

The Sydney Papers\* afford us a history of his negotiations at this court, which were protracted until the restoration had destroyed his commission, and forbade his return. He, having now no longer a country, lived a wandering life, and his letters to his father are dated from different parts of Europe. The well-known inflexibility of his principles marked him out as an object of peculiar persecution to

\* Vol. ii., p. 683.

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Charles, and wherever English influence could prevail, he was generally obliged to withdraw. Ludlow even tells an improbable story of Charles having sent ten men to assassinate him at Augsburg, and says that Sydney only escaped this danger by having accidentally removed into Holland before their arrival.

In 1677, his father, the Earl of Leicester, was upon his death-bed, and although he had seldom hitherto exhibited much affection towards his son, he now wished to see him before he died. His relation, the Earl of Sunderland, then in favour at court, interposed, and Charles, who had probably forgotten both Sydney and his offences, was now easily induced to-permit his return.

Sydney immediately came to England, where, soon after his arrival, the death of his father put him in possession of £5100, a sum which enabled him to become a candidate to represent the borough of Guildford: but the court found that his ideas were exactly what they had been in the time of the Commonwealth, and they took sure means to prevent his return. His next attempt was equally unsuccessful, so that Sydney would hardly appear in the annals of party, had not his energy and enthusiastic activity produced such a known effect upon all with whom he was brought in contact, and had not his tragical fate stamped his memory with an interest that is rivalled

by no other name, except that of his friend and companion in misfortune, Lord Russell.\*

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These were the most influential men of the third party, and upon these Lord Russell and his friends were compelled to rely, whenever they hazarded resistance to the well-paid phalanx of the king.

The opposition to the non-resisting Test Bill was the first important success obtained by the new party, but even this advantage was, as I have already remarked, the result of a clever stratagem, not of real strength. The commons have been more jealous of their privileges as a body than of their liberties as subjects. The parliament which was now sitting, was chosen in 1661, and it is indifferently known as the long and the pensioned parliament. The two appellations are equally descriptive of its corruption, for none but a corrupt parliament could have existed fourteen years under Charles II. Yet even this infamous assembly were intractable upon a question of privilege. When the opposition had thoroughly involved them in a quarrel with the other house, the interposition of the king was vain. He pointed out to them the real origin of the dispute, and interposed a prorogation : but all his endeavours failed, Shaftes-

\* Collins's *Memoirs of the Lives and Actions of the Sydneys—Sydney Papers.*

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to 1678.

bury, upon the meeting of parliament, renewed the affair of Dr. Shirley's appeal with a speech replete with lofty encomiums upon the judicial privileges of the house of lords. The wily politician had chosen a theme well calculated to bear with it the sympathies of those he addressed. They entered anew into the quarrel, and appointed a day to hear the appeal. The commons, of course, retaliated; they denied, not only the right of the lords to summon one of their members\* to their bar, but also their right to hear appeals from any court of equity. None were more forward in advocating these contested rights of the lords than the Whig party in that house; none more loudly exclaimed against them than the same party in the house of commons. The king, disgusted that this parliament should occupy themselves only about their own differences, when he had called them together to supply his necessities, prorogued them for the unprecedented space of fifteen months. Thus was the Non-resisting Test Bill defeated by the Whigs.

The committal of Buckingham, Shaftesbury, Salisbury, and Wharton, to the tower, at the commencement of the next session, for arguing that this prorogation amounted to a dissolution, shows the temper in which the parliament met. "The lord treasurer," says Ralph, "had so ordered it, that the

\* Sir John Fagg, the defendant, was a member.

king's party increased rather than the other, but it was much feared that some votes were obtained more by purchase than affection."

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to 1678

This fifteenth session of the long parliament accordingly passed without any other opposition to the court than a visible reluctance to grant supplies, and addresses to remove evil councillors, and particularly the Earl of Lauderdale ; addresses which produced only an angry answer and a prorogation.

The next was still less productive of any serious opposition ; Charles even presumed so much upon the accommodating spirit which his majority manifested, that he demanded an additional settlement of £300,000 a year for his life. This modest request, however, met with no support ; even the court party saw in such a grant the destruction of all their influence. "The states of France," said Mr. Sacheverell, "gave the king power to raise money upon extraordinary occasions till their next meeting, and they never met more."\* All parties seemed to regard this message as a request from the king, that they would give him power to change the government. It was rejected without a division. An ordinary supply was, however, voted, and the parliament was again prorogued.

\* Parl. Hist., vol. iv., col. 1000.

## CHAPTER III.

Intercourse of the Whig leaders with the French agents—A secret treaty—The popish plot—Its origin and progress—Dissolution of the long parliament—The Whig leaders admitted into the council—Their resignation—Clifford's administration—Petitioners and abhorrrers—Rupture between Charles and Louis.

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A. D. 1678.

SUCH had been the close of the sixteenth session of the pensioned parliament. The next appeared pregnant with danger to all our best institutions. The united strength of all the opposition leaders was not equal to a contest with the court, and their ranks were thinned by continual desertion.

It was now that that intrigue commenced between the Whig party and the French king, which has been so much spoken of, and so loudly censured.

The marriage of the Prince of Orange with the Princess Mary, at the end of the year 1677, and the insincere threat of war which Charles was forced to make, had irritated the French king: that

monarch saw the probable consequences of the late alliance, and immediately revenged himself by stopping Charles's pension.\* As this was done, notwithstanding the most submissive assurances made privately to the French ambassador, Charles, who felt the punishment most acutely, and knew that it was undeserved, was, of course, indignant; he now began to have serious designs of a French war, and entertained hopes that a new system of policy would render his brother of France as useful as an enemy as he had been as an ally.

But the same consideration which inclined Charles for war, rendered the Whigs very reluctant to trust him with the funds and troops necessary to maintain it. He had, on many occasions, discovered his affection for a standing army, and they had already experienced that men and money supplied for a French war could be readily applied to a very opposite purpose. They looked, therefore, upon these hostile demonstrations as a mere stratagem, by which Louis was to allow Charles to declare war against

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\* This pension was a sum of 2,000,000 livres which Louis had stipulated to pay, upon the consideration that Charles should prorogue his parliament from December, 1677, to April, 1678. The money was to be paid by instalments; but when this subsidy was stopped, the parliament, which had already been prorogued, was hastily called together in February. — *Dalrymple's Appendix*, p. 111.



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him, in order that supplies might be obtained from parliament, and then when the object was thus obtained, a peace should be concluded, and the money applied to aid the common design of the two kings against the religion and liberties of England. The Whigs, therefore, were opposed to placing in the hands of the king a weapon which they had but too much cause to fear he might wield against themselves.\*

On this occasion they were in the minority. The people were clamorous for war with France, and the church of England party in the commons, whose hatred to popery and France so often placed them in opposition to the king, would, on this question, resume their characters of zealous courtiers. To have opposed the supply, openly, would have involved the loss of that popularity upon which their slender party depended for its existence. It was granted, therefore, with such accompaniments as it was hoped would render it unwelcome to the court. The grasping ambition of France was looked upon as far less dangerous than the despotic disposition of Charles, and it was justly thought to be a

\* Even Sir John Reresby could think that jealousy reasonable, which supposed that the king, indeed, intended to raise an army, but never designed to go on with the war. "To say the truth," he says, "some of the king's own party were not very sure of the contrary."—*Memoirs*, p. 57.

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foolish policy that would raise an army for the preservation of Flanders, and place it in hands that would use it as an instrument of military despotism at home. To the surprise of Europe, and to the terror of the Whigs, 20,000\* men were already in arms, and this formidable body, raised in six weeks, was entirely at the disposal of the court.

France was now thoroughly alarmed. Informed of all those secret circumstances of which the opposition were ignorant, Louis knew that Charles was in earnest, and anxiously looked round for some expedient to prevent the threatening danger. He found it in the distractions which he himself had wrought: he had destroyed all confidence between Charles and his people, and this policy now afforded him security. Barillon, his ambassador at the English court, was directed to establish a connexion with the opposition. Courtin had already convinced the French king of the venality of this parliament, and it was hoped that by concerting measures with the Whigs, and buying over those who were ever ready to be bought, a sufficient party might be gathered to derange Charles's hostile preparations, and so to harass him in all his measures that he would soon become tired of his sudden fit of independence, and return to his ordinary subserviency to France.

\* Temple.

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The mission of Rouvigny had a similar object, and was eminently successful. This skilful intriguer was cousin to Lady Russell, and his relationship, of course, procured him access to the leader of the Whig party. In their present depressed state, even Russell and Hollis did not hesitate to accept the proffered support of the French monarch, and they rightly deemed it lawful to conspire even with a foreign enemy to defeat the more deadly machinations of a domestic foe. The object of this temporary alliance, and the motives which induced these two leaders to enter into it are well developed in Barillon's despatches to his court upon the subject.

“ I have seen,” writes Barillon on the 24th of March of this year, “ the persons with whom I have commerce, and M. de Rouvigny has seen Lord Hollis and Lord Russell: both these and those speak the same language, and say they never pretended to oppose openly the giving money to the King of England; that this would be a means of drawing upon themselves the hatred of the people, and the reproach of all that might hereafter happen; that the lower house had added to this act, clauses so contrary to the privileges of his Britannic Majesty, that they had hoped neither the prince nor his ministers would have consented to them; or at least that they would have permitted difficulties to be thrown in the way; but that the avidity for money,

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and the desire of having troops on foot, which they thought they might dispose of, had made the ministers pass the act without any consideration for the true interests of his Britannic Majesty: that this redoubles their fears of the designs of the court, with which they are much alarmed: *even although they are at this minute persuaded that your majesty and the King of England act in concert*, they are still under apprehension lest the war should serve only to bring them under subjection. 'They see the danger to which they are exposed, but don't know a remedy to save them from it. However, this cabal is not absolutely discouraged, and though the lord high treasurer strengthens himself every day, the others have always for their aim to hinder the parliament granting any more money. They are resolved to seek for every thing that can give the court vexation, to the end that it may soon dismiss them, and that the King of England may have no other money than what may arise from this tax, which will not amount, according to the common opinion, to more than £600,000 sterling.'

The opposition succeeded in disgusting the king with the war. The result was another secret treaty by which Charles bound himself to leave the states to their fate, to disband his army, to recall his troops from Flanders, and to prorogue his parliament for six

CHAP. months. In return for all this, he was to receive six  
III. millions of livres.

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This treaty was dated 27th of May of this year, and the war was at an end. But Charles still remained master of the troops he had raised, and of those also which he had withdrawn from Flanders, and he kept them on foot under the pretence that there were no funds to disband them. It appears from Barillon's Correspondence,\* that the leaders of the Whigs looked upon this power as imminently dangerous to themselves, and momentarily expected that their arrest would be the first presage of a new and more determined policy; thinking, therefore, that further struggle was in vain, they contemplated retiring into the country, and preferred rather to abide the current they could not withstand, than to expose themselves uselessly to the fury of the court.

But an event now occurred that dissipated all the bright visions of the court party, and frightened them at once from all their schemes. The popish plot was one of those frenzies to which nations seem liable as well as individuals, and of which the cause is frequently as trivial as the effects are incalculable. The circumstances of this extraordinary instance of national credulity are well known, they belong to

\* Dalrymple's Appendix, p. 138.

the history of the period. It is mentioned here only as it influenced the state of parties.

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Lord Danby was, like the majority of his party, really opposed to popery and France; in other respects, he was the mere servant of the king. Having incurred the just resentment of the commons, and being threatened by them with an impeachment, he beheld the approaching session with misgivings as serious as those of the popular party. The author of such a discovery as a popish conspiracy against the life of the king, might hope for impunity for any crimes, and Danby eagerly seized upon the testimony of Tonge and Oates. The king had also good reasons for encouraging the informers. A conviction that he was an object of hatred to the Papists would at once recover his popularity which was now waning among the Protestant adherents of the court party. The nation was already in a state of anxious alarm, and daily expecting some new demonstration in favour of popery from the court. A call to arms against popery made by a party whom they looked upon as its allies, would recall their confidence in their monarch, and what was to Charles of far greater importance, would induce them to supply him liberally with money, and furnish him with an excuse for increasing his army.

Charles, whose showy vices and habitual polite-

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ness have induced posterity to speak of him as a goodnatured monarch, felt little uneasiness at sacrificing a few innocent persons, if their death was necessary to his convenience. The coolness with which he sometime afterwards allowed the innocent and venerable Plunket, the Catholic primate of Armagh, to perish, although fully convinced of the absurdity of the charges against him,\* is a dreadful indication of his heartlessness. This was an act of expediency, lest he might check the loyal feeling which was then flowing in his favour, and perfectly coincided with the conduct which he now adopted with regard to the popish plot.

When the discovery was first made, it was supported by evidence that constrained belief. Coleman, the Duke of York's secretary, was almost the earliest victim; he had sufficient notice of the deposition against him to rescue his papers, but one drawer he overlooked, and this contained letters which corroborated the statements of the informers.† The violent

\* Burnet, vol. i., p. 502—State Trials.

† In these papers were discovered, among other letters which betrayed a correspondence between the duke and the French king, carried on through Coleman and the Père la Chaise, one containing the following remarkable

passage: "We have a mighty work upon our hands, no less than the conversion of three kingdoms, and by that, perhaps, the utter subduing of a pestilent heresy, which has domineered over a great part of this northern world a long time. There never were such hopes of success since the days of

death of Sir Edmondbury Godfrey, who had received the depositions of Oates, precluded further doubt. CHAP. III. A.D. 1678. The nation was now thoroughly wrought into a fury against the Catholics, and every party was equally infected with this epidemic madness. The court party were horrified by the idea of an attack upon the life of the king, and joined to their former hatred of popery a new and more lively horror of it as the faith of rebels. The Whigs saw in it the development of the conspiracy which they had long dreaded, and which several of their leaders knew to exist.

When it was brought before the parliament, both parties, therefore, were eager in its pursuit, the excitement throughout the country was unparalleled, and Bishop Burnet\* mentions it as an unlooked-for forbearance in the people, that they did not wreak their vengeance upon the Catholics who were in the

Queen Mary as now is in our days, when God has given us a prince who is become, I may say by miracle, zealous of being the author and instrument of so glorious a work ; but the opposition we are sure to meet with is also likely to be great, so that it imports us to get all the aid and assistance we can, for the harvest is great and the labourers but few. That which we rely most upon, next to God Almighty's providence, and the fervour of my master the duke, is the mighty mind of his Christian Majesty."

This was sufficient to excite a nation which had already just grounds for suspicion.

\* Vol. i., p. 230.



CHAP. city.\* But the Whigs who were urged on by  
 III. their impatient desire to discover the secret workings  
 A.D. 1678. of that conspiracy against which they had been so  
 long contending in the dark, soon became more  
 violent than their new allies. These last began to  
 doubt the policy of a pursuit in which they saw their  
 adversaries so cordially join, but not until a torrent  
 of innocent blood had been shed did they slacken in  
 their zeal. The absurdities which render it impos-  
 sible for any rational man of the present day to  
 believe the story of Oates and his companions came  
 too late; the mischief was accomplished by those  
 singular coincidences, the contents of Coleman's  
 papers, and the murder of Sir Edmondbury Godfrey.  
 The court were the first to pause, and they soon  
 after began to discountenance the story of the plot,  
 and to throw discredit upon the testimony of Oates.  
 But they led with them no part of the nation. The  
 juries chosen from among the people discovered the  
 real state of the popular feeling. Terror had had its  
 customary effect; it had made men cruel. To be  
 accused was to incur a violent presumption of guilt;  
 to profess the Catholic religion, was a heinous crime;

\* Even Lord Keeper North, tain that the church of England  
 in an extract from his Manu- men joined in this cry as hear-  
 script Memoranda, quoted by tily as any else." — *Appendix*,  
 Dalrymple, says, "It is cer- p. 321.

he who united these causes of misfortune had no chance of escape, he was condemned without hesitation, and died unpitied. Even the judges, subservient as they were to the court in other respects, were furious in their prosecution of the popish plot. "Gentlemen," said one of them, "you have the king's witness upon his oath; he that testifies against him is barely upon his word, and he is a papist." An argument that at once brought to the aid of injustice a cruel rule of law and an absurd prejudice.\*

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Integrity was unknown to the judges of this reign, they retained their stations only so long as they suffered them to be prostituted to the services of the court; how irresistible then must have been that popular prejudice which invaded the bench, and how overbearing the universal cry which they, the creatures of a Catholic king, felt themselves compelled to join! It is folly to attribute either the origin or the extent of this plot to either of the state parties. It was a madness in which they both joined. The people were ready to stone any one who pre-

\* State Trials, vol. vii., col. 1039. here is on one side the life of an  
—Sir Thomas Gascoigne's Trial. ancient gentleman before you; on  
But, notwithstanding the exertions of Jones, Dolben, and Pemberton, he was acquitted. Jones who is the breath of our nostrils."  
put the case thus: "Gentlemen,

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sumed to doubt the evidence of Dr. Oates, and the detestable policy of Charles induced him to fall in with their rage without sharing their delusion. “He would save Staley for the liking he has to any one that would murder me,” was his observation upon Burnet’s endeavour to save this first victim of the bloodhounds now cheered on against the Catholics.\*

Every house now contained arms, every man in the kingdom held himself in readiness to resist some imminent danger; none doubted that the crisis was at hand.† The Book of Martyrs was every where found upon the same table with the Family Bible, and was, perhaps, more diligently read. The scenes there described were expected to reappear, and the fires that had once blazed in Smithfield seemed already resuscitated to the morbid imaginations of the people. The houses of lords and commons unhesitatingly declared their implicit belief in the reality of the plot, and their unanimous votes to that effect yet remain upon their journals; the tumultuous excitement of the day bore through those assemblies votes and even bills,‡ which passed without opposi-

\* Burnet.

raising all the militia, and keep-

† Shaftesbury’s Character of the Honourable William Hastings.— Martyn’s Life of Shaftesbury, vol. i., p. 306.

ing it under arms for six weeks. Each third part to serve a fortnight. But Charles could calculate the probable effects of such a

‡ A bill rapidly passed for

measure, and he put his veto upon it.

tion then, but which in ordinary times would have been supported only by the Whig minority. Long afterwards Dryden, himself a Catholic and a courtier, did not venture to deny that there was some truth concealed in the cloud of falsehood that now rolled over the land. Several men of the Whig party, whose honour their countrymen will never be persuaded to suspect, were not only confident of the existence of a conspiracy, for that was already placed beyond doubt, but were also firmly convinced that they had now discovered the real culprits. Lord Russell's word was considered by his contemporaries as sufficient to vouch the truth of any proposition; upon this subject we have his solemn dying declaration. He wrote in the paper delivered to the sheriffs at his execution, "As to the share I had in the prosecution of the popish plot, I take God to witness, that I proceeded in it in the sincerity of my heart, being thus then really convinced, *as I am still*, that there was a conspiring against the king, the nation, and the Protestant religion. And I likewise profess that I never knew any thing, either directly or indirectly, of any practice with the witnesses, which I looked upon as so horrid a thing that I could never have endured it."\*

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The Whigs were not, however, unanimous in

\* State Trials.

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placing reliance upon the depositions of Oates and his friends. Like the rest of the nation the great majority believed them, but some even of the most influential members of that party regarded them with the detestation they deserved. Burnet declares that he received such an impression from the first interviews he had with Oates, that he could have no regard to any thing he either said or swore.\*

It was the bishop's advice to restrain the violence with which the prosecutors of the plot seemed determined to act; he pointed out the contradictions that occurred in Oates's narrative, and the incredibility of many of the circumstances to which he swore; he recommended to his friends to take advantage of the popular excitement, to obtain a measure which should secure the nation from all danger from the papists, but "not to run too hastily to the taking men's lives upon such testimonies."† The liberal and sensible Lord Holles, notwithstanding his usually hasty disposition, agreed with this advice, and Hallifax was equally incredulous. But these men, usually so influential, had no power to stay the conflagration that had now commenced. Even the attempt was dangerous; and Burnet, for the advice he gave, was execrated by the people, who said that he was taking this method to get into the favour of the court.

\* Vol. i., p. 428.

† Ib. p. 434.

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Others, however, of the same party, would entertain no suspicions of Oates, but shared the enthusiasm of the people; these entered into all the measures of Shaftesbury, now their constant ally, and in this affair their leader. Shaftesbury put himself forward as the chief prosecutor of the plot; he was diligent in searching out evidence, and took care to keep the subject continually before the parliament. This able political leader saw in this pretended plot a powerful instrument of opposition. The people were arming themselves to resist the expected attack of the papists; those arms would serve to defend them against the tyranny of a king. It furnished an excuse for calling out the militia: this body, when assembled, might refuse to disband until the grievances of the commons were redressed. The people were excited to a passion of hatred against the Duke of York. The Duke of York was the most dangerous enemy that Shaftesbury had. Add to this the pleasure of turning a stratagem of the court and ministers against its authors, and of foiling them with their own weapon, and we shall have sufficient reason why Shaftesbury, if he believed the testimony of the witnesses, should pursue the investigation, and why the court should vainly attempt to stifle an inquiry they found they could not guide.

It is not, however, therefore to be concluded that

CHAP. Shaftesbury, or any of those who acted with him,  
III.  
A.D. 1678. invented this plot, or that they had afterwards any private understanding with the wretches who sacrificed so many lives for the sake of their own private gain. The king, indeed, is said to have suspected this, and many authors have since asserted it, but there is not a particle of historical evidence to justify the charge. North, indeed, has an improbable story that Shaftesbury, being asked, "What he intended to do with the plot, which was so full of nonsense as would scarce go down with tantum non idiots," replied, "The more nonsensical the better; if we cannot bring them to swallow worse nonsense than that we shall never do any good with them."\* But no one who knows any thing of the character of Roger North, or of that of Shaftesbury, would ever believe any fact upon the mere authority of the former, or suppose that the latter would have given utterance to such a sentiment even had he conceived it.

Sir John Dalrymple says, in his rhetorical manner, Shaftesbury coined rumours as they fitted his purpose, and had men of his party ready who could repeat, and men who could write them so as to make them circulate through every part of the kingdom. Void of all feeling, he confirmed his inventions by

\* Examen. p. 95.

public trials, and, without remorse, saw prisoners led to death for charges which himself had contrived; engaging thus even the passions of horror and amazement in the public to make things credible which without these could not have been believed.”\* And again, “It has been doubted whether Shaftesbury contrived the popish plot, or if he only made use of it after it broke out: some papers I have seen convince me he contrived it, though the persons he made use of as informers ran beyond their instructions.”†

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North's gossiping anecdote is worthy of no consideration whatever. Sir John Dalrymple's authority is not much more valuable, since there is proof on the other side of the extreme improbability, if not of the impossibility, of the tragedy which occurred in the year 1678 being the effect of a fiction invented by Shaftesbury. Bishop Burnet, who was no friend to the memory of the earl, and who is always ready to ascribe the most violent measures of the party to his influence, acquits him of this dreadful charge upon very sufficient grounds. Speaking of a conversation he had had with the king, at Chiffinck's, the page of the back stairs, he says, that they both agreed in one thing, that the greatest part of the evidence was a contrivance, but Charles suspected

\* Dal. Mem. p. 45.

† Ib. p. 43.



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that some one had set on Oates, and instructed him, and he named the Earl of Shaftesbury. "I," remarks the Bishop, "was of another mind. I thought the many gross things in his narrative, showed that there was no abler head than Oates, or Tonge, in the framing it: and Oates, in his first story, had covered the duke and the ministers so much, that, from thence, it seemed clear that Lord Shaftesbury had no hand in it, who hated them much more than he did popery."

These probabilities are amply sufficient to disprove the charge against Lord Shaftesbury. This nobleman was a violent and an ambitious man; but, throughout the many delicate passages of his public life, no stain of private dishonour rests upon his memory. No violence of persecution could provoke him to betray a secret, and even the knowledge of the first French treaty, although it came to him fortuitously, and discovered to him the disgraceful duplicity of his master, was still safe in his breast; and this at a time when such a weapon would have enabled him to turn upon and crush his most bitter persecutors.\*

Yet this improbable charge of unparalleled iniquity, brought against a man whose high sense of honour forbade him to use a secret against an enemy, or to

\* Martyn's Life of Shaftesbury, vol. i., p. 144, and vol. ii., p. 103.

receive a reward even from an ally, is believed by Sir John Dalrymple upon the authority of some papers he had seen. Sometime after the appearance of his Memoirs, Sir John Dalrymple published that much more valuable volume of Appendix, to which I have so often referred. This compilation of original papers has shed a great deal of light upon the mysterious intrigues of the period to which they refer, and the diligence of the collector cannot be too highly lauded; but it is singular, that, although no paper included in this collection, not even the draft of the secret treaty itself, would have been read with greater curiosity than that which should clear up the impenetrable mystery of the popish plot, and deliver over its real author to the execration of posterity, yet no quotation is made from these important documents, no hint of what or where they are, not even a definite statement of the extent or nature of the evidence they afford.

This strong negative proof, when so much less important matter is preserved, is decisive as to Sir John Dalrymple's authority in this instance; yet I think it right to add part of a recantation which he made upon another point in his treatment of Shaftesbury, since this discovers how incautious he was in adopting any information that appeared to him original, and how wrong we should be, since his

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CHAP. authorities, when quoted, are not always to be de-  
III. pended upon, did we admit evidence so much more  
A. D. 1678. questionable as to a fact of so much greater im-  
portance :

“ I understand that Lord Shaftesbury’s family complain of me for injuring the memory of their ancestor, and particularly for founding upon an account of his death in the paper-office, written by one Massal, who, they say, was a person of a worthless character, and for alleging that he died in the arms of Ferguson.

“ Upon hearing this I inquired at the paper-office if there were any papers in it relating to Massal. It is a piece of justice to this noble family to say, that if I had known Massal’s character to have been so bad as I now find it to have been, I certainly should not have given credit to any thing said by him.

“ It has been a misfortune to Lord Shaftesbury’s memory that every thing has been written against him and nothing for him ; upon which account I am happy to hear that his family have thoughts of endeavouring to vindicate his memory in public. Far from the intention to injure it, I flatter myself that the papers published in this Appendix will set his character in several respects in a new light to the world : they will show that he had no hand in the

Duchess of Orleans's treaty, made at Dover, for the interests of popery ; that Charles first broke the ties of honour with him, by deceiving and betraying him into the second treaty with France in the year 1671, while he concealed from him the first which had been made, in the year 1670, and that Shaftesbury took no money from France, at a time when most of his friends of the popular party were doing it. If his Lordship's family, in their publication,\* shall satisfy me that I have injured him in any other respect, I will own it as freely as I have done my mistake about Missall."

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This collection of evidence is abundantly sufficient to show that the popish plot, although highly favourable in its effects to one party, was the contrivance of neither ; it was the madness of a nation, having, as its more remote origin, the conduct of the court, which had imbued the people with just suspicion, but, as its immediate occasion, the hardy villany of a ruffian, whose perjuries a series of remarkable contingencies at first confirmed.

The popish plot broke forth in the summer of the year 1678, and the Whigs quickly made

\* The publication here alluded to was an unpublished life of Shaftesbury, written by Mr. Benjamin Martyn, under the superintendence of the fourth Earl. It was some time ago placed in the hands of the author of the present work, who undertook to edit it, and it has very recently appeared.

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use of the power which that circumstance had put into their hands. The Duke of York was the first, Earl Danby the second object of their attack. The ruin of the latter nobleman was a result of French intrigue. France had found him too scrupulous for her interests, and, with the ordinary heartless policy of that court, now betrayed a correspondence which was quite sufficient to ground an impeachment.

The instrument of this vengeance was Montagu, Charles's ambassador at the French court, the negotiator of the last secret treaty, and through whom many letters, bearing Danby's signature, of course passed; one of these contained the following passage: "In case the conditions of peace shall be accepted, the king expects to have six millions of livres, yearly, for three years from the time that this agreement shall be signed between his Majesty and the King of France, because it will be two or three years before he can hope to find his parliament in humour to give him supplies, after your having made any peace with France.—DANBY."

"To the secretary you must not mention one syllable of the money. This letter is writ by my order.—C. R."\*

Montagu had aspired to the office of secretary of state,† and being disappointed in his ambition

\* Parl. Hist. iv. 1060.

† Rapin.

by the lord treasurer, resolved his ruin. He who will conspire' against his country will seldom  
 hesitate to betray his accomplice : having procured  
 himself to be elected for Northampton, Montagu  
 suddenly left Paris without the king's consent or  
 knowledge, and having in his pocket a promise from  
 the French king of a reward of a hundred thousand  
 crowns, in case the lord treasurer should be ruined  
 within six months, he took his seat in the house  
 ready to accuse that nobleman of an illicit corre-  
 spondence with France.

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Danby dreaded some such an intrigue, and, upon a pretence of suspecting the late ambassador of a treasonable correspondence, seized upon his papers ; but Montagu had been too prudent, the important documents had been placed in safe custody, and when the king communicated to the house the seizure, and its ostensible reason, the box which contained them was produced.

This discovery produced the effects that Louis desired. The commons insisted upon disbanding the army, and the same day a sum of £206,000 was voted for that purpose. Danby was impeached of high treason, the jealousy between the king and his party increased, and the fears of France were at an end.

France upon this became less lavish of her gold, and Montagu complains bitterly, that although he

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had ruined Danby according to agreement, and had procured the disbanding of the troops, yet the promised reward had not been paid.\*

But the consequences of this exposure were infinitely more important to England. It added fresh fuel to the fire the plot had already kindled. Charles feared that Danby, to secure himself, would betray all he knew of the secret negotiations, and to interrupt the impeachment, he abruptly prorogued the parliament.

Burnett† says, that after the prorogation, Danby, who saw little hope of recovering himself with this parliament, which had already declared so violently against him, began to look to the country party for safety. The great object of the Whigs was to obtain a dissolution, and Charles, who was less acquainted with the feeling of the country, and was irritated at the symptoms of independence which this once obsequious house of commons now showed, was not very averse to the measure. Holles, Lyttleton, Boscawen, and Hampden, were spoken to, and these influential members promised Danby all he could reasonably expect, an undisturbed retreat into private life ; but upon the conditions that he should procure the dissolution of the present parliament, obtain the removal of the Duke of York before the meeting of the next, and then resign office and retire for ever

\* Dalr. App.

† Vol. i., p. 442.

from public affairs. The Duke of York, irritated at the sacrifices which the king had been so frequently compelled to make to this parliament, always at the expense of the Catholic religion, had long desired a dissolution and had once before even voted against the government in the lords upon that question; he, therefore, threw no obstacle in the way of the accommodation,\* which was now in treaty.

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On the 4th of January 1679, the long parliament was accordingly dissolved, and writs were issued for a new one. But the king was now thoroughly alarmed at the spirit which the late disclosures had raised against him, and became sensible that some conciliation was requisite, not only to secure the succession to his brother, but even to preserve his own crown.

The house of commons which met in March, bore a very different complexion from that which had so lately been dissolved. The members of that had been furious against France and popery, but liberal in their grants to the crown, and admirers of the plenitude of its prerogative. They had been chosen while the nation was in a frenzy of loyalty, these were elected under feelings of discontent and terror: nearly all who were suspected during the last par-

\* Ibid.



CHAP. liament of being the paid servants of the court had  
 III. been rejected, and the Whigs and their allies found  
 A.D. 1679. they now had an absolute majority.

Their first act established an important constitutional precedent, that the house possessed the right of electing their own speaker, and that the assent of the crown was a mere formula.\* The contest that took place upon this point, and the imprudence of Earl Danby in receiving a pardon with intent to plead it in bar of his impeachment, joined to the suspicious circumstances under which several large sums passed from the treasury previous to his resignation, so inflamed the most violent of the opposition party against him, that the more moderate were unable to discharge their engagement to him. A bill of attainder passed both houses, and the earl surrendered to take his trial.

These circumstances destroyed the favourable impression which had been expected from the removal of the Duke of York; and the Earl of Not-

\* Meres was named by the court, but Seymour, who had a private quarrel with Danby, was chosen by the house. The king refused to receive him, and the house persisted in their choice. The debates upon the subject lasted a week, but at length the matter was accommodated; the king's dignity was saved by the selection of a third person; but it was understood that the point was settled that the election was in the house, and that the confirmation followed as a matter of course.—*Parliamentary History—Burnet.*

tingham's eloquence was listened to with apathy, when he dwelt upon the goodness of the monarch, who would submit to part with an only brother rather than he should stand between him and his people. Charles found that further sacrifices were necessary, and, after several changes in the government had been unsuccessfully made, Temple was called in to advise how little more would suffice, and how much might be avoided. That skilful minister, who was a genuine Tory, a lover of prerogative, and a hater of popery, devised a scheme so plausible that those to whom it was proposed hailed it as an inspiration.

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This celebrated scheme was an entire change of the privy council, now composed entirely of Danby's creatures, and the creation of a new one to which the popular leaders should be admitted. It was to consist of thirty members, fifteen of whom were always to be the chief officers of the government and household, and of the other fifteen, ten were to be taken from the peers, and five from the commons.\*

\* Temple's account of the formation of this council is as follows: " This whole matter was consulted and deduced upon paper only between the king and me, and lasted in the debate and digestion about a month; but when the forms and persons were agreed, and his majesty seemed much satisfied with the thing, and resolved to go on with it, I humbly desired him not to take a

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Of this new council, Shaftesbury was, very much against the will of the original designer, the president; Essex, Hallifax, Holles, and Russell, were

resolution of that importance without first communicating it to three or four persons of those his majesty could most rely upon in point of judgment, secrecy, and affection to his service. The king resolved I should go and communicate the whole scheme with all the particulars of it, to my Lord Chancellor (Finch), Lord Sunderland, and Lord Essex; but one after another, and with charge from him of the last secrecy; and should bring him word of their opinions upon it; and if they concurred with his, should appoint them to attend his majesty next morning: the chancellor only entering into his lodgings by the common way, but the other two and I by the private one below.

“When I acquainted them with it, they all received it with equal amazement and pleasure. My lord chancellor said, it looked like a thing from heaven, fallen into his majesty’s breast: Lord Essex, that it would leave the parliament and nation in the same dispositions to the king which he found

at his coming in: and Lord Sunderland approved it as much as any.

“Next day we attended his majesty, and had a very long audience, upon which no difficulty arose but two that were wholly personal. I had proposed Lord Hallifax as one of the lords, whom the king had indeed kicked at, in our first consultations, more than any of the rest; but upon several representations of his family, his abilities, his estate and credit, as well as talent to ridicule and unravel whatever he was spited at, I thought his majesty had been contented with it; but at this meeting, he raised new difficulties upon it, and appeared a great while invincible in them, though we all joined in the defence of it, and at last I told the king, we would fall upon our knees to gain a point that we all thought necessary for his service; and then his majesty consented.

“The other was concerning Lord Shaftesbury, who had never been mentioned in our first debates, and the king had not thought of him before upon this affair, or

members. The design was to interpose the popularity of these men between the king and the parliament, while Charles yet kept a majority of his creatures in the council. It was hoped that their confidence in these popular leaders would induce him to moderate their demands; or if that should fail, would furnish him with an excuse for a prorogation.

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The experiment, however, failed; the commons looked upon it as a mere court stratagem, and the

had not mentioned him to me, as knowing upon all occasions of private discourse with his majesty, what opinion I had of that lord. But after my Lord Hallifax had passed, the king said there was another, who, if he were left out, might do as much mischief as any, and named Lord Shaftesbury; to which the other three agreed, and concluded further, that he would never be content with a councilor's place among thirty, and, therefore, it was proposed to add one to the number by making a president, which should be he. I disputed this point from the first mention, to the last conclusion of it, foretelling he would destroy all the good that we expected from the whole constitution: and said all that I could with so much

earnestness, that when, by his majesty's agreeing with the other three, I saw it would be concluded, I walked away to the other end of the room, not knowing well whether I should have gone out or not, if the door had been open; but turning again, I desired his majesty to remember that I had no part in Lord Shaftesbury's coming into his council or his affairs; that his majesty and the other three lords had resolved it without me; and that I was still absolutely against it.

"The king laughed and turned my anger into a jest; and so went on with the rest of the constitution intended, till the whole was resolved and executed publicly in Easter, 1679."—*Temple's Memoirs* —*Works*, 8vo., vol. ii., p. 496.

CHAP. new councillors did not forget the principles they  
III. — had maintained in opposition. Outvoted at the  
A.D. 1679. council-board they appealed to their friends in parliament, and Charles, who now heard with astonishment the voice of opposition loud even in his cabinet, quickly got disgusted with a set of ministers whom he could not tutor to obedience. We soon find him imploring the French king to protect him from this creation of his own tortuous policy, and plotting the dissolution of that council without whose advice he had promised the commons he would undertake no measure of government.

The king's disgust was in some degree justified by the ill success of Temple's expedient. Six days after the formation of the new council, the commons resolved that the Duke of York being a papist, and the hopes of his coming such to the crown, had given the greatest countenance and encouragement to the present conspiracies and designs of the papists against the king and the protestant religion, and a fortnight afterwards they resolved "that a bill be brought in to disable the Duke of York to inherit the imperial crown of this realm."

On the 15th of May this important bill was brought into the house of commons, and read a first time. After detailing the particulars of the popish plot it set forth, "That the emissaries, priests, and agents, of the pope had traitorously seduced James,

Duke of York, presumptive heir to these crowns, to the communion of the church of Rome, and had induced him to enter into several negotiations with the pope, his cardinals, and nuncios, for promoting the Romish church and interest; and by his means and procurement had advanced the power and greatness of the French king to the manifest hazard of these kingdoms. That by descent of these crowns upon a papist, and by foreign alliances and assistance, they might be able to succeed in their wicked and villanous designs.”

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After further preamble, the bill proceeded to enact :

1. “ That the said James, Duke of York, should be incapable of inheriting the crowns of England, Scotland, and Ireland, with their dependencies ; and of enjoying any of the titles, rights, prerogatives, and revenues belonging to the said crowns.

2. “ That in case his majesty should happen to die, or resign his dominions, they should devolve to the person next in succession, in the same manner as if the duke was dead.

3. “ That all acts of sovereignty and royalty that prince might then happen to perform, were not only to be declared void, but to be high treason, and punishable as such.

4. “ That if any one, at any time whatsoever, should endeavour to bring the said duke into any of

CHAP. the forementioned dominions, or correspond with  
III. him, in order to make him inherit, he should be  
A.D. 1679. guilty of high treason.

5. "That if the duke himself ever returned into any of these dominions, considering the mischiefs that must ensue, he should be looked upon as guilty of the same offence ; and all persons were authorized and required to seize upon and imprison him ; and, in case of resistance made by him or his adherents, to subdue them by force of arms."

Such were the provisions of the measure which formed the all-absorbing topic of interest during the latter part of the reign of Charles II. No sooner, however, had it been read a second time, than Charles, whose sole principle, or point of conscience, seems to have been the preservation of the lincal succession, prorogued and afterwards dissolved this assemblage of turbulent spirits.

One inestimable boon we owe, however, to this short parliament. The last act of the king, previous to the prorogation, was to give the royal assent to the Habeas Corpus Act, which had long before passed the commons, and which now, favoured by the strenuous exertions of the Earl of Shaftesbury, and by the tempest which raged without, had survived the ordeal of the lords.

Ferguson, in his "Growth of Popery," affirms, that "this bill met with great opposition from

the lords ; that it gave rise to several conferences between the two houses ; and that, though it was far short of what it ought to have been, it was almost a miracle that the lords suffered it to pass at all.\* And so much of truth is there in these assertions," adds Ralph, after quoting the passage, "that the committees of the two houses met several times upon it without coming to any agreement, insomuch that the completing the bill was put off to

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\* The anecdote told by Burnet of the passing of this bill is well known :

"The Habeas Corpus Act," he says, "was carried by an odd artifice in the house of lords. Lord Gray and Lord Norris were named to be the tellers. Lord Norris, being a man subject to vapours, was not at all times attentive to what he was doing; so a very fat Lord coming in, Lord Gray counted him for ten, as a jest at first, but seeing Lord Norris had not observed it, he went on with this misreckoning of ten ; so it was reported to the house, and declared that they who were for the bill were the majority, though it indeed went on the other side, and by this means the bill past." Vol. i., p. 485.

This rather improbable story receives some confirmation from

the Minute Book of the house of lords, whence it appears that there were 107 lords only present, and 112 counted upon the division. See *Martyn's Life of Shaftesbury*, vol. ii., p. 221. The author of this work proceeds to say, that "when the numbers were reported from the woollack, the ministry, who knew their strength, were surprised ; but while they were whispering among themselves, Lord Shaftesbury, who found there was a mistake, and guessed their intentions, started up and spoke, on the first thing that occurred to him, almost an hour. Whilst he was speaking, several lords went out and others came in, so that it was of course impracticable to retell the house." — The parliamentary history is very meagre in its account of the progress of this bill.



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the last hour of the sessions, and even then the commons were glad to admit of the lords' amendments that they might have the merit, and their fellow-subjects the benefit of so useful a law."

The prorogation of this parliament was advised by Essex, Hallifax, and Sunderland, who, disgusted with the violence of Shaftesbury, and repudiating his intrigues for setting Monmouth upon the throne, had formed a separate party, and were called the triumvirate. Shaftesbury's hostility was increased by this prorogation, and the breach was rendered beyond remedy when it was known that he had declared he would have the heads of those who had advised it. It was probably their apprehension that this threat might be accomplished, that influenced them during the alarming illness of the king, which now took place, to advise the recall of the duke. This step was fatal to their own power. The first use that prince made of his recovered influence was to thwart and harass those who had restored him. Essex, who, when appointed first commissioner of the treasury, had found himself the guardian of twenty-seven shillings and threepence, unappropriated money,\* had, by pursuing the same principles which had been his guide in Ireland, in some degree, restored that essential branch of government. This nobleman now resigned his post, and was fol-

\* Secretary Coventry—Lord John Russell's Life of Russell—Appendix.

lowed by Lord Halifax, who, retiring to his seat in the north, wrote to Sir W. Temple, that, though he could not plant melons, he would plant carrots and cucumbers rather than trouble himself any more about public affairs.”\* CHAP. III. A. D. 1679.

This change in the policy of the king had been commenced by the dismissal of Shaftesbury from his place of president of the council, and it was of course accompanied by a perseverance in his engagements with France. A treaty was now in the course of negotiation, conducted by Sunderland and the Duchess of Portsmouth, by which, in consideration of an annual pension, Charles was to agree to assemble no parliament for three years.†

It was the prospect of independence which this treaty promised him that rendered Charles so absolute in his council; he suddenly declared that he had resolved to prorogue his new parliament for a twelvemonth, and forbade any one to speak against his decision as he would hear no reasons against it. It was in vain that Sir William Temple represented the absurdity of creating counsellors who should not counsel, or that all the other members at the council board significantly indicated their disapprobation.

\* Temple's Letters.

treaty afforded him, that he offered

† Dalrymple's Appendix, 237.—

to lend his own money to Louis

The Duke of York was so delighted at the prospect which this

to facilitate the money part of the transaction.

CHAP. Charles had previously prorogued the parliament to  
 III. the 28th of January, and confident that he should  
 A.D. 1679. not need their assistance, he looked upon that day  
 only as the date of a future and a longer proro-  
 gation.

It is not wonderful, therefore, that ministers, who had any spark of patriotism unquenched, should fly from a council in which such designs were agitated. They were succeeded by a set of men who were restrained from becoming the slaves of the court only by their fear of the people, who had the will but wanted the courage to do harm, and who, from their imbecility, rather excited the contempt than aroused the vengeance of the nation. Lord Radnor had succeeded to the post of the Earl of Shaftesbury; Lord Hyde was now first commissioner of the treasury. These, with Lord Sunderland and Mr. Godolphin succeeded to the confidence which Charles had alternately bestowed upon the best and the worst of his subjects.

Clifford's ministry was known as the Cabal, a popular ballad inflicted upon this the nickname of the "Chits." \*

The voice of the nation, however, penetrated to

\* Temple. The ballad has Letters to a Friend in North  
 been attributed to Dryden, but Britain, ascribes it, with more  
 Sir W. Scott thinks erroneously. probability, to the Earl of Dor-  
 I find that Manwayring, in his set.

the cabinet, and startled these irresolute conspirators from their conclave. The Whigs had immediate notice of the measures in contemplation, for Russell, Cavendish, Powle, and Lyttleton, were, at the moment of their proposal, members of the council: they now exerted themselves with energy to frustrate, by their exertions out of doors what they could not prevent by their votes within. Seventeen peers, names worthy to be cherished by posterity, signed, and ten of them presented a petition to the king, entreating him to consider the dangers that threatened his throne and people, and in a crisis of such importance to call together and effectually use his great council—the parliament. The petitioners

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Clarendon had law and sense,  
Clifford was fierce and brave,  
Bennet's grave look was a pretence,  
And Danby's matchless impudence  
Helped to support the knave.  
But Sunderland, Godolphin, Lory,\*  
These will appear such chits in  
story,

'Twill turn all politics to jests,  
To be repeated like John Dory,  
When fiddlers sing at feasts.  
Protect us, mighty Providence!

What would these madmen  
have?

First they would bribe us without  
pence,

Deceive us without common sense,  
And without power enslave.

Shall freeborn men, in humble awe,  
Submit to servile shame?

Who, from consent and custom  
draw,

The same right to be ruled by law,  
Which kings pretend to reign.

The duke shall wield his conquer-  
ing sword,

The chancellor make a speech;  
The king shall pledge his honest  
word,

The pawned revenue sums afford,  
And then come kiss my breech.

So have I seen a king in chess,

His rooks and knights with-  
drawn,

Shifting about, grow less and less,  
With here and there a pawn.

\* Lawrence Hyde, afterwards Earl of Rochester.

CHAP. earnestly advised him to allow the parliament to sit  
III. at the time appointed, and to give public notice to  
A.D. 1679. this effect, that the minds of his subjects might be  
settled and their fears removed.

“ Tumultuous petitioning,” observes Mr. Hume,  
“ was one of the chief artifices by which the mal-  
contents in the last reign had attacked the crown,  
and though the manner of subscribing and deliver-  
ing petitions was now somewhat regulated by act of  
parliament, the thing itself remained, and was an  
admirable expedient for infecting the court, for  
spreading discontent, and for uniting the nation in  
any popular clamour.”

Such is the manner in which this historian charac-  
terizes the exercise of the constitutional expedient  
that the people, headed by the most influential  
noblemen of the realm, had recourse to, when  
Charles, having sold them to France, was about to  
fulfil his compact.

The monarch held a similar opinion with the  
historian. Alarmed by the influence which must  
attend the example of the peers, he determined to  
attempt to terrify others from its imitation. He  
could find no law against petitioning, but he remem-  
bered the practices more constantly than the fate of  
his father. Although he could not find a law, he  
could frame a proclamation, and it is curious to  
observe the characters of the lawyers of the day in

the advice they gave upon the wording of this document.

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The king had wished to throw the odium of suppressing these manifestations of popular feeling upon the authorities of the city of London; but the lord mayor boldly answered, that "he knew of no course which they could take by law; for the people took it for a right in them to petition to his majesty upon any grievance they were sensible of, and they acted upon that principle only, and were very active in their adherence to it." The infamous Jefferies was then recorder of London, and he, willing at once to extricate his clients and propitiate the court, proposed a proclamation, boldly prohibiting the framing and presenting any such petitions, and directing the magistrates to punish all who should contravene this command. Chief Justice North was more cautious; his scheme was, that the proclamation should by no means prohibit petitioning his majesty in any case, much less in case of the parliament. But it might take notice of certain ill people who, upon the specious pretence of petitioning, went about in a seditious and tumultuous manner gathering hands to certain papers, purporting to be, &c., and then to forbid all such tumultuous and seditious proceedings, enjoining all magistrates to punish the offenders. But even this jesuitical lawyer was exceeded in caution by Sir Creswell Levine, the attorney-general, who,

CHAP. when ordered to draw up the proclamation accord-  
 III. ing to North's idea, said, he did not well understand  
 A.D. 1679. what the lord chief justice meant, and begged to his  
 majesty that his lordship might draw the proclama-  
 tion himself. North at first refused, but ultimately  
 he did supply all the material part; although, confi-  
 dent that he should be afterwards called in question  
 for it, he penned every word and syllable as if each  
 was to have been made an article of a criminal charge  
 against him.

Roger North is delighted with the skill displayed  
 in this document, "Take an instance or two," he  
 says; "one is in the words 'relating to the public,'  
 where the word parliament is declined. Then 'not  
 to regulate any such,'—not petitions but 'subscrip-  
 tions,' nor join in any petitions (not generally, nor  
 referring to the matter, but) in that manner. Here  
 for a tactician."\* But perhaps that which is really  
 admirable is the impudence of the monarch who could  
 sanction such a document.

This proclamation illegal and unconstitutional as  
 it undoubtedly was, did not altogether fail of its  
 purpose; timorous men hesitated to provoke the

\* Examen, p. 547. See this proclamation in the Gazette for December 15, 1679. It appears in the same number with a proclamation proroguing the parlia-  
 ment until the eleventh of November; but when it came together for that purpose, the prorogation was only continued until the 15th of April.

power of an ill-defined prerogative, and moderate men disapproved of the transparent intrigues and avowed designs of Shaftesbury. The worshippers of unlimited monarchy rallied when they saw their sovereign at their head, and poured in addresses, denouncing the conduct and the tenets of the petitioners.

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The proclamation against petitions was, therefore, in the words of North, the Genesis of Abhorrences. An address from the grand jury and justices of Essex declared an abhorrence of the petitions to assemble the parliament, and this casual phrase, being from its strength well calculated to express the sentiments of the addressers, was constantly repeated until it became the designation of a party. Petitioners and Abhorrrers now divided the nation into those two classes which, a few weeks later, received the names of Whigs and Tories. The Whigs had no great cause to congratulate themselves upon the success of their agitation. Mr. Hallam observes, "There can be no doubt that the strength of the Tories manifested itself beyond expectation. Sluggish and silent in its fields, like the animal which it has taken for its type, the deep-rooted loyalty of the English gentry to the crown may escape a superficial observer, till some circumstance calls forth an indignant and furious energy. The middling and lower orders, particu-



CHAP. larly in towns, were clamorous against the Duke of  
 III. York and the evil counsellors of the crown. But  
 A.D. 1679. with the country gentlemen, popery was scarce a  
 more odious word than fanaticism; and, in the  
 violence of the commons, in the insolence of Mon-  
 mouth and Shaftesbury, in the bold assaults upon  
 hereditary right, they saw a faint image of that  
 confusion which had once impoverishd and humbled  
 them.”\*

It must, however, be remembered that these ad-  
 dresses were chiefly the declarations of men likely to  
 be influenced by the court. The magistrates at  
 their quarter sessions holding their commissions from  
 the crown; the grand juries, selected generally in  
 the country counties by a courtier sheriff, and pre-  
 pared by the political charge of the subservient  
 judges; the corporations, from their ordinary con-  
 stitution such ready cultivators of royal favour; the  
 universities, whose public acts were dictated by men  
 whose profession made them in too many instances  
 the assiduous flatterers of an expected patron; the  
 inns of court, whose authorities were in general men  
 who already held offices at the pleasure of the crown:  
 these were the bodies whence the most numerous  
 and the most unconditional of these welcome ad-  
 dresses came.†

\* Constitutional History, vol. ii.,  
 p. 597.

† It is remarkable that most of  
 the petitions came from *inhabitants*

Among the copies of these documents printed in the Gazettes, there is not one which does not proceed from a public body. They declare abhorrence of the petitions for assembling the parliament, generally repudiating one which had proceeded from the same place : they denounce them as "an unjustifiable interference with the royal prerogative ; thank the king for recalling the Duke of York, and conclude with the somewhat contradictory declaration of their readiness to lay down their lives and fortunes for the preservation of the Protestant religion and the legal succession.

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The university of Cambridge went further ; they declared, that "kings derive not their titles from the people, but from God ; that to him only they are accountable ; that it belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be so by a fundamental hereditary right of succession, which no religion, no law, no fault, or forfeiture, can alter or diminish."

only of cities or counties. Charles took advantage of this. "Had you directions from the grand jury?" he asked Sir Walter St. John, and some other gentlemen who presented him a petition from Wiltshire ; and, upon their answering in the negative, rejoined, "Why say you then you come from the county? You come from

a company of loose and disaffected people."—*Gazette*, No. 1480. To others he replied, that they would argue the matter over a cup of ale when they met at Windsor ; and he warned one deputation not to need another act of oblivion. The addresses are generally printed at length, the petitions never.

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This demonstration of Tory feeling might have confirmed Charles in his design of doing without parliaments, had not the treaty with the French king been broken off. Sunderland and the Duchess of Portsmouth were the negotiators. The former was afraid of the Whigs; the latter had begun to look with favour upon the bill of exclusion. She had been flattered with the hope that the king should be enabled to name his successor by will, and she too confidently trusted in her influence to obtain the crown for her son.

Louis's ambassador told him that if he was liberal in his offers, he could not be too high in his demands. For once he was in error; the cupidity of the king yielded to the blandishments of his mistress. Favoured by the extravagance of Louis's demands, Sunderland and the duchess were able, without much difficulty, to break off this treaty, and engage Charles in a more popular alliance with Spain.

Deprived of the aid of France, Charles did not immediately throw himself upon his parliament. The progress of the elections had too surely discovered to him that the spirit of that which was just chosen was by no means more moderate than that of the one he had dissolved.

## CHAPTER IV.

Occurrences during the long recess of 1679-80—Connexion of the Whig leaders with France—Examination of the charges of corruption brought against them—Origin of the terms Whig and Tory.

FROM May 1679, until October 1680, there was no session. The new parliament had been prevented assembling by continued but short prorogations. In the mean time the French king directed his attention more assiduously to the connexion which he had before established with the opposition.

The papers connected with this transaction, when first published by Sir John Dalrymple, created a sensation which few historical discoveries have equalled. It is not that the conduct of Russell, Holles, or Shaftesbury, requires defence, when they took counsel against a domestic tyrant even with a foreign enemy. It must be a morbid sensibility, indeed, which can be wounded by the idea of holding intercourse with a foreign prince, in order to

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to 1680.

CHAP. detach him from a party who had long been enabled  
 IV. to consummate their mischievous projects solely by  
 A. D. 1679 his assistance ; but it does occasion both surprise and  
 to 1680. grief, when we find others, who have always been  
 deemed worthy to be placed in the same rank with  
 these, charged with the serious crime of corruption  
 by a foreign power.

It is unavailing to urge in answer to such a charge, that if Sidney, Hampden, Powle, and Littleton, received money from the French court, it was only as a compliment for their exertions in a cause with which their sympathies were already engaged, and to which all their energies had long been devoted. He who receives the pay of another, must be subservient to his employer, and the despatches of the French ambassador abundantly testify that Louis, at least, would never have countenanced the outlay of a franc without the expectation of some proportionate advantage. If Louis had not supposed that his gold would have prevailed upon these men to act in some respects otherwise than they would have acted without it, he would never have authorized Barillon to offer it : if they had not (tacitly, at least) consented to be so influenced, they would never have received it.

If Barillon's statement be true in any respect, we cannot admit Mr. Hallam's exculpatory suggestion, that the opposition agreed together to receive these gifts from France rather than offend their new ally, or

excite any suspicion of their sincerity.\* The ambassador distinctly states, that a bribe was proposed for a specific purpose, that it was earned and received ; and further, that Sidney, that sternest of republicans, was greedy after the contaminating gain.

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It only remains, therefore, to inquire whether this money was thus offered and received. If it was, no ingenuity can reconcile the conduct of the recipients with the dictates of patriotism or honour. For this purpose, I shall lay before the reader those despatches in which the charge is contained.

The first is dated December 14, 1679. Louis, when he began to entertain serious designs of disturbing Charles's government, demanded of his ambassador the success he had met with in the negotiation intrusted to him, and the character of those he had gained ; the following is the reply :†

“ Conformable to the orders your majesty has given me, I have re-entered into a correspondence with the persons in parliament, who, I thought, might be useful to your service hereafter. I had always kept measures with them to make use of them in time of need. I shall at present give your majesty the detail, as you order by your last despatch. I have at all times taken great care to manage Lord Holles, and I believe I have kept him in very favour-

\* Hallam's Constitutional History, vol. ii., p. 550, 8vo. ed.

† Dalrymple's Appendix, p. 260.

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able sentiments for your majesty's interests. He is the man of all England for whom the different cabals have the most consideration. He is respected in general by all parties, but principally by the Presbyterians. Nothing did me so much service with him as the offer I made him on your majesty's part of a box with your picture set with diamonds. He made great acknowledgments for this mark of your majesty's esteem; but he has not accepted the present, and I have it still. I have pressed him many times to take it; he has always excused himself, and told me that he should serve your majesty with less scruple, and more usefully, if he did not accept it; and that he could not resolve to take it, without the permission of the King of Great Britain, being at present of his council. I opposed with very good reasons the proposal he made to me of telling his Britannic majesty that your majesty would make him a present under the very improbable pretence of his not having received one at the expiration of his embassy to France. In the mean time, I can assure your majesty, that in the affair of the high treasurer, and the disbanding of the army, no person was more useful to your majesty than Lord Holles.

“Although he does not often go to parliament, he is consulted by many people, and his advice has great weight. He is very moderate upon the sub-

ject of the Duke of York, and declares he cannot consent to his exclusion; but, at the same time, he is of opinion, that the power of a Catholic King of England should be limited. He is apprehensive the court will always adhere to the design of governing more absolutely than the laws of England admit, and he knows that your majesty alone can facilitate the success of such a design. Upon this account, he wishes that the nation may not be stirred up against France; and believes it would be a great imprudence to give any cause of discontent to a prince so powerful, and who can so easily hurt them. I sometimes see Lord Holles, but not to give suspicion by too frequent visits; we have corresponded together by the Sieur Beber, he is a man who has great credit with Lord Holles, and who is greatly considered amongst the Presbyterians; he has been very useful to me on many occasions, and it is through him I have been informed in time of what passes in the different cabals. I have had, through the same person, a strict connexion with Mr. Littleton, who is one of the most considerable in the house of commons, and whose opinions have always been the most followed. I have also kept a particular correspondence with Mr. Powle. He was put into the council when the persons who opposed the court were put there. He has so conducted himself since that time, that he will always be useful when the

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CHAP. parliament shall meet ; he is a man fit to fill one of  
 IV. the first posts in England ; he is very eloquent, and  
 A.D. 1679 very able ; our first correspondence came through  
 to 1680. Mr. Montagu's means ; but I have since kept it by  
 my own, and very secretly.

“ Mr. Harbord is another of those whom I have made use of, and who bore an active part in the affair of the treasurer, and the disbanding the troops ; but it would be difficult to employ him at present : he has considerable credit amongst people in the country ; he would be more fit if a minister was to be attacked, than he will be to speak in parliament against an alliance which the court would make, and the other party hinder.

“ These four have touched what was promised them, when the disbanding the troops should be finished, and the high treasurer removed from affairs.

“ I send a memorial apart, by which your majesty will see what has been given for this, and some other expenses laid out by your orders.

“ Mr. Sidney has been of great use to me on many occasions. He is a man who was in the first wars, and who is naturally an enemy to the court. He has, for some time, been suspected of being gained by Lord Sunderland, but he always appeared to me to have the same sentiments, and not to have changed maxims. He has a great deal of credit amongst the independents, and is also intimate with

those who are the most opposite to the court in parliament. He was elected for the present one.\* I gave him only what your majesty permitted me. *He would willingly have had more, and if a new gratification was given him, it would be easy to engage him entirely.* However he is very favourably disposed to what your majesty may desire, and is not willing that England and the States General should make a league. He is upon bad terms with his brother, who is in Holland, and laughs at the court's making use of him as a negotiator. I believe he is a man who would be very useful if the affairs of England should be brought to extremities.

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“ Since the time that an alliance has been spoken of between the States General and England, I have taken a great deal of care to nourish the diffidence which some of the most considerable persons in parliament have of the Prince of Orange; they are apprehensive that his union with the court will render the government more firm, and give it more authority: but to say the truth as it appears to me, I do not think it would be possible to prevent the parliament from approving a league made with the States General to guarantee the peace. All that

\* Mr. Sidney's election was found not to be good.

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could be done afterwards (if it should happen) would be to hinder the parliament from giving considerable sums; I therefore do not think I ought to propose to your majesty the making any new expense at present, the success of which might be very doubtful. It will be always time enough to give and promise new rewards to those whose services may be wished for, when it is seen if the parliament is to be assembled.

“ If your majesty thinks I ought again to press Lord Holles to accept the box of diamonds, I may, by means of Lady Holles, make him accept it; I don’t presume she will be so difficult as he has been. I shall also wait your majesty’s orders for offering any thing to the others of whom I have made mention, but shall not make use of the permission you may give unless on occasions which I shall think essential to your service.

“ I ought to give your majesty an account of what regards Mr. Montagu separate from the others, being engaged as he is in your majesty’s interests by particular considerations. I have had trouble enough to defend myself for these six months against his solicitations for the payment of the sum which was promised him for the ruin of the high treasurer. He alleges that the condition is fulfilled on his part. I have always endeavoured to

make him understand that it was an affair not entirely finished, and that being fully assured of what had been promised to him, he ought not to make himself uneasy whether the payment be made a little sooner or later. He does not give way to my reasons. The two journeys which the *Sieur Falaiseau* has made to no purpose, would have made him resolve to go himself to solicit the payment of the sum he pretends a right to, if he could have left England at a time when affairs are in so great commotion, and in which he has acted so great a part. Your majesty will remember if you please, that *Mr. Montagu* spoke to me in the month of January last, to try if you would favour the *Duke of Monmouth's* pretensions: it was the principal motive of his journey to France, when he was seized at Dover. *Mr. Montagu* knew well afterwards by the reservedness with which I spoke to him upon that affair, that your majesty was not disposed to support so unjust a design, and which then appeared very chimerical. However, upon other affairs we have always had a good correspondence, and have preserved the greatest union. He has often spoken to me of getting *Lord Shaftesbury* into your majesty's interests, and alleges that it would not be impossible if a considerable sum were employed. I don't know if your majesty will judge it useful to your service to endeavour at it

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CHAP. at present ; it would be a very proper means to stir  
IV. up new embarrassments to the King of England, and  
A.D. 1679 Lord Shaftesbury would be still more bold, if he  
& 1680. found himself secretly supported by your majesty :  
but it will be difficult to turn him from his engagements  
against the Duke of York, and to prevent his bestirring  
himself for the elevation of the Duke of Monmouth, or for  
that of the Prince of Orange ; for his designs are difficult  
enough to penetrate : and, perhaps, his principal end is to  
endeavour the establishment of a republic, of which he would  
aim at being chief.

“ If your majesty will give me leave to say what I think ought to be done at present with regard to Mr. Montagu, I think you might command me to give him positive assurances of the payment of what was promised him, and that a certain time be named on which this payment shall be actually made : if, after this, your majesty will, by his means, and those of his sister, Mrs. Hervey, gain any members of parliament, I can answer that two persons cannot be found more proper to traverse all the designs of the court. It was by an intrigue of Mrs. Hervey that I caused to be continued at Brussels a certain person named Bulstrode, who, as Mons. de Louvois at that time informed me, was useful to your majesty's service. It has been my principal application with

those whom I have at present mentioned, to take away from them the least suspicion that your majesty will enter into a treaty with the King of England. I have, however, taken care not to use positive words upon this, especially to my Lord Holles; I have only told him in general that your majesty will never enter into any engagement with his Britannic majesty which might be prejudicial to the liberties and privileges of the English.

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“I will say nothing to your majesty upon the subject of the Duke of Buckingham, because he is not here at present, and your majesty knows of yourself of what use he may be to your service. I don’t doubt but he is dissatisfied with the refusals I gave him this summer of the twenty thousand crowns, which he wanted the power of disposing of; I would rather let him think that I made this saving of myself, than let him know that I did it by order. As I saw he had a design of going to France, and doubt not he has been there, I imagine, when he appears here, I shall find him disposed to serve your majesty when occasions shall present. It does not appear to me he has great credit in parliament, but he may be useful with regard to the populace, and in times of troubles. It is not the most regular minds which always strike the most considerable strokes.”

· The next is a more particular account of the sums thus employed.

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*\*State of the money employed by M. Barillon, Ambassador from Louis XIV. in England, since the 22d of December, 1678.*

By the memorial which I sent to court the 22d of December, 1678, I had remaining in bills of exchange and ready money, the sum of £21,915 16s. 7d. sterling, which makes, in French money, 292,211 livres.

Since the said 22d of December to this day, the 14th of December, 1679, I have given, to wit,

|   |      |             |
|---|------|-------------|
| To the Duke of Buckingham, 1000 guineas, which  | £    | s.          |
| makes . . . . .   | 1087 | 10 sterling |
| To Mr. Sidney, 500 guineas, which makes .   | 543  | 15          |
| For the support of the Sieur Bulstrode, in his employment at Brussels, 400 guineas, which makes | 435  | 0           |
| To the Sieur Beber, 500 guineas, which makes .  | 543  | 15          |
| To the Sieur Lyttelton, 500 guineas, which makes  | 543  | 15          |
| To the Sieur Poule, 500 guineas, which makes .  | 543  | 15          |
| To the Sieur Harbord, 500 guineas, which makes .  | 543  | 15          |

Total of the expense made to this day, 14th of December, 1679, £4241 5s. sterling, which makes, in French money, 56,550 livres.

The 22d of December, 1678, I had remaining £21,915 16s. 7d. sterling, which makes, in French money, 292,211 livres.

Since the said 22d of December, I have given £4241 5s., which makes, in French money, 56,550 livres.

Thus I have remaining this 14th of December, 1679, only the sum of £17,674 11s. 7d. sterling, which makes, in French money, 245,661 livres, of which sum I have, in ready money, £2674 11s. 7d. sterling, which makes, in French money, 35,661 livres. The remainder, which is £15,000 sterling, or 200,000 livres, French money, is in bills of exchange, which have not been negotiated.

The last account consists of the following articles :

*Guineas.*

|  |     |
|--|-----|
| William Harbord. Barillon describes him thus : " Qui a beaucoup contribué à la ruine de Comte de Damby"—" Who contributed greatly to the ruin of Lord Danby" | 500 |
|--|-----|

\* This is extracted verbatim from Daltymple's Appendix.

|  | <i>Guineas</i> | CHAP.<br>IV.          |
|--|----------------|-----------------------|
| Mr. Hampden . . . . .  | 500            | A. D. 1679<br>& 1680. |
| Colonel Titus . . . . .  | 500            |                       |
| Hermstrand. This must have been Sir Thomas Armstrong, because when Barillon gives afterwards an account of Armstrong's execution for the Rye-house plot, he called him Chevalier Thomas Hermstrand . . . . .   | 500            |                       |
| Bennett. Barillon describes him to have been formerly secretary to Prince Rupert, and now to Lord Shaftesbury . . . . .  | 300            |                       |
| Hodam. This must have been Hotham, for Barillon describes him, "Fil de Chevalier Hodam, qui étoit gouverneur de Hull"—"Son of the Chevalier Hotham, who was governor of Hull" . . . . .  | 300            |                       |
| Hisdal . . . . .   | 300            |                       |
| Garoway . . . . .  | 300            |                       |
| Francland . . . . .  | 300            |                       |
| Compton . . . . .  | 300            |                       |
| Harlie. This must have been Sir Edward Harley, because Barillon describes him, "Ci-devant gouverneur de Dunquerque"—"formerly governor of Dunkirk" . . . . .   | 300            |                       |
| Sacheverel* . . . . .  | 300            |                       |
| Foley . . . . .  | 300            |                       |
| Bide. He describes him thus: "Fort riche et accrédité"—"Very rich and in great credit." . . . .  | 300            |                       |
| Algernon Sidney . . . . .  | 500            |                       |
| Herbert . . . . .  | 500            |                       |
| Baber. This must have been the famous Sir John Baber; Barillon describes him thus: "Qui n'est pas du parlement, mais qui a beaucoup des liaisons avec les membres de la chambre basse et qui avoit fait ma liaison avec milord Hollis"—"Who is not in this parliament, but who has many connexions in the lower house, and who formed my connexion with Lord Holles" . . . . . | 500            |                       |

\* We shall have occasion to see, during the reign of William, how little consonant this charge is with the character of Sacheverel.



| CHAP.                 |  | <i>Guineas.</i> |
|-----------------------|--|-----------------|
| IV.                   | Hil. This was probably Sir Roger Hill : Barillon says, he was<br>formerly one of Cromwell's officers . . . . . | 500             |
| A. D. 1679<br>& 1680. | Boscawen . . . . .   | 500             |
|                       | Du Cross. This was the De Cross, envoy from the Duke of<br>Holstein, mentioned by Sir William Temple . . . . . | 150             |
|                       | Le Pin. Barillon calls him one of Lord Sunderland's clerks . . . . .   | 150             |

The question now becomes one of credit between Barillon and the leaders of the Whig party.

Barillon was obliged to carry on many intrigues through third parties, and it is, doubtless, possible that some of these sums may have been obtained from him by his agents for purposes to which they were never applied. Such an occurrence was not without precedent. Coleman, when his prosecution was being urged on by the commons, confessed that he had received from France £2500, to be distributed among the opposition, but that he had applied that sum to his own use and rendered a false account of its expenditure. There can be no reason to doubt this confession, since it acquitted those who were then demanding his death ; it did not in any degree mitigate their hostility, as it probably would had they been guilty ; and he never withdrew it even at his death.

But although the dishonesty of agents might acquit some of these men, Barillon is too circumstantial to allow of this supposition in the case of all. To acquit them entirely, we must suppose the dishonesty of

Barillon himself, and believe that he, like Coleman, embezzled the funds thus placed at his disposal.

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We know little of the private character of Barillon, which would either strengthen or rebut this supposition. He was a courtier in the court of an absolute monarch; he was, doubtless, also the trusted ambassador of an able and discerning prince; but Louis was little credulous as to the virtues of his subjects, and, in looking out for a minister to carry on his involved intrigues at the court of England, he would seek rather for diplomatic talent than mere pecuniary honesty.\* The court of an absolute king is not the atmosphere where the purest principles of patriotism are found to flourish. There the favour of the prince is considered as the door to wealth and honour, and these are to be gathered in the public employments he bestows. Whether such were the views of Barillon or not, they were certainly those of the most celebrated of his friends. On the 20th of April, 1672, Madame de Sévigné wrote from Paris, “Barillon a fait ici un grand séjour: son emploi est admirable cette année; il mangera cinquante mille

\*“If,” says Montesquieu, speaking of the genius of a monarchy, and quoting the political testament of Cardinal Richelieu, “there should chance to be some unlucky honest man among the people, a prince should take care not to

employ him. So true is it that virtue is not the spring of this government.” — *Esprit des Loix*, l. iii., c. 5. France under Louis XIV. was just such a monarchy as the president is here speaking of.

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francs.”\* And she at least considered that he had made the ordinary use of his opportunities, since, after his return, she describes him as rich.

Those who will be disposed to reject at once the testimony of a French minister, interested in misrepresentation, when opposed to the well-established character of such men as Sidney, Hampden, and Foley, will find much in the despatches already quoted to justify their incredulity.

The high character of Lord W. Russell had, doubtless, reached the French court, and Louis would not, perhaps, have heard of his fall without a surprise which might have generated suspicion: but so thoroughly had that monarch become accustomed to the craving importunities of Charles, and the no less barefaced demands of his ministers, that his credulity could have received no shock from the venality of any other man. Such kings as Charles and Louis are accustomed to consider as inseparable the ideas of honour and loyalty, and to sneer at the honesty of

† *Lettres de Sévigné*, tom. i. p. 54. These passages have already been quoted by Lord John Russell in his *Life of Lord W. Russell*, where this question is very ably handled.

Somerville also speaks of Barillon as a man of very questionable character, but he cites no authority for the assertion. I have been

informed that there are in existence some papers which unquestionably destroy Barillon's credibility, and I have taken considerable pains in searching for them, but without success. Barillon's despatches certainly show that he considered no man capable of withstanding a bribe, and this opinion is fair evidence against himself.

the patriotic party which opposes them. Louis knew the ideas which were entertained of honour at court; *he* could not have considered that those could be more refined which were entertained by the advocates of the people.

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Barillon, on the other hand, must have known that the persons he named would have engaged freely, and without any incentive from him, in every measure which could weaken the court. The only subject upon which he would find them opposed to his views would be an alliance with Holland, and this he confesses he should be unable to prevent their approving. It was easy therefore for him to predict what the conduct of these men would be, but it was not so easy to foretel what might be that of the less prominent members of the same party, who were inconstant in their support, and sometimes changed their votes without exciting much public attention. This remark may furnish an explanation of the remarkable fact, that while the most improbable names are written as recipients of the French bounty, not one of the less known and more necessitous members of the party are mentioned.

Nor must we omit the credit which would accrue to a minister from having secured the assistance of members so important as those Barillon names. The gain to be derived from a false statement would tempt an avaricious man, but this hope would tempt an

CHAP. ambitious courtier, and influence him, even if he had  
IV. expended the money upon meaner conversions, to  
A.D. 1679 supply their place in his returns with other and  
& 1680. more important names.

In support of the supposition that Barillon never expended this money at all in the purposes to which it was destined by his employer, it will be remarked, among the circumstances of suspicion attached to the despatch of December 14, 1679, that the only bribe which Barillon reports to have been refused, was a portrait of Louis set in diamonds, worth £1500. This is a specific article, which it would be very hazardous to give a wrong account of; but Barillon takes care to fortify the opinion which Louis entertained of the venal character of his new allies, by ascribing its refusal to a technical scruple, not an honourable contempt for such base acquisitions.

There is another paragraph in this despatch which is too remarkable to pass without notice. After enumerating Holles, Lyttelton, Powle, and Harbord, and describing their characters and the extent of their influence, Barillon adds, "These four have touched what was promised them when the disbanding the troops should be finished, and the high treasurer removed from affairs." Among these "four," Holles must of course be included; for although Baber and Montagu are incidentally men-

tioned, it is not in a manner which can render it possible that either of these was intended as one of this number, and the sequel shows that Montagu had not received what was promised him, and that he was sorely discontented thereat. This, if it be a verbal inaccuracy, is certainly a very singular one; but if the ambassador intended to convey the idea that a man who could steadfastly refuse a bribe, disguised under the semblance of a compliment, would coolly bargain for a sum to be paid him by a foreigner for effecting the ruin of a countryman, few will hesitate to pronounce the statement false.

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This part of Barillon's despatch, however, ceases to be obscure, if we suppose that that minister, observing Holles and his party eager in their prosecution of Danby, and insisting upon the disbanding of the troops, represented to his court that all this energy was displayed in consequence of *his* intrigues, and in fulfilment of a bargain into which they had entered with *him*. Barillon would then have been reduced to the dilemma of reporting the refusal of the portrait, which it would have been too hazardous to have retained, and at the same time of declaring that Holles had received the money for which he had already reported him to have bargained. The excuses suggested by Holles to enable himself to receive the offered present will then be readily explained, as a fiction to assist to reconcile these contradictions.

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Again, it may be remarked that the conduct imputed to the different persons implicated in this affair is not only in its nature entirely at variance with their general character for patriotism and honour, but it is in its details particularly repugnant to what we know of the peculiarities of the individuals.

Sidney is described as forward in his applications for Barillon's bounty, and ready to engage himself entirely for a new gratification.

Every one who is at all conversant with the principal events of Sidney's life, or has read any part of his correspondence, must at once see that such conduct as this is the most inconsistent with his general character of any that could be attributed to him.

Hear his own sentiments, when his father gave him hopes of return from exile. "I confess," he says, "we are naturally inclined to delight in our own country, and I have a particular love for mine. I hope I have given some testimony of it. I think that being exiled from it is a great evil, and would redeem myself from it with the loss of a great deal of my blood. But when that country of mine, which used to be esteemed a paradise, is now like to be made a stage of injury; the liberty which we hoped to establish oppressed; luxury and lewdness set up in its height; the best of our nation made a prey to the worst; the parliament, court, and army corrupted; the people enslaved; all things vendible; no

man safe but by such evil and infamous means as flattery and bribery; what joy can I have in my own country in this condition? Is it a pleasure to see that all I love in the world is sold and destroyed? Shall I renounce all my old principles, learn the vile court arts, and make my peace by bribing some of them. Shall their corruption and vice be my safety? Ah, no! better is a life among strangers, than in my own country upon such conditions. Whilst I live I will endeavour to preserve my liberty, or at least not consent to the destroying of it. I hope I shall die in the same principles in which I have lived, and will live no longer than they can preserve me. I have in my life been guilty of many follies, but, as I think, of no meanness. I will not blot and defile that which is past, by endeavouring to provide for the future. I have ever had in my mind, that when God should cast me into such a condition, as that I cannot save my life but by doing an indecent thing, he shows me the time is come when I should resign it." And again—"It is usual to destroy those that will not be corrupted: I could expect not less. Whatsoever my fortune is, I hope I shall show unto your lordship that I am not capable of base compliance with fortune, in relation to any person whatever, nor an indecent action, and before I swerve from this rule I hope God will put an end unto my life."\*

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\* Blencowe's Sidney Papers, p. 223.



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These are specimens of that great man's sentiments. Can it be supposed that such a person could become an agent to bribe others, and spread himself the leprosy which he thus deploras? Such a supposition is sufficiently incredible. But when we are called upon to believe that Sidney, who always breathed such sentiments as these, and whose life accorded with them; who passed many years of exile rather than bribe or flatter the minions of a court—who shot his favourite horse only because a despot wished for it, and expected to obtain it; when we are called upon to believe that Sidney would sell his country to a man to whom he would not resign his horse, and become “entirely his,” for a paltry gratification which he did not want;\* we think of his life, his character, his death—we weigh it against the, at least doubtful, character of his accuser.—

\* We have already seen that the Earl of Leicester had in 1677 died, leaving him £5100. Sidney was not a man of expensive habits. He invested part of this sum in foreign securities, and embarked another portion in trading speculations, by which he does not appear to have suffered.—*Letters to Furlley, passim*. It will probably be noticed, that my manner of treating this subject here is at variance with a short editor's note in Martyn's Life of Shaftesbury. That note, however, although the

work is so recently published, was written and printed some time ago, and upon a more hasty consideration of this subject than I have since given it.

Long before the work was published, a correction was forwarded to the publisher—on his carelessness the discrepancy must rest. Several rather ridiculous errors in the preface to that book are occasioned by that sheet having gone through the press without my corrections.

Every Englishman will pronounce the accusation false.

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Yet the accusation against Sidney must be the test of Barillon's credibility. That minister admits that his intrigue with Hampden was carried on through Mrs. Hervey, the sister of Montagu, who, if she at all resembled her brother, was quite capable of deceiving him. Others are said to have been gained by Sir John Baber, who, while feigning an adherence to the popular party, was secretly a pensioner of the court,\* and an adviser of the Duke of York; but Sidney is included among the number whom Barillon describes as his intimates and agents;† and if we disbelieve that he eagerly caught at the thousand guineas which he is said to have received; if we disbelieve that he was anxious for more, and ready to sell himself entirely for another such bribe, we must believe that Barillon stated of this man what he knew to be untrue—how then can we hear him against any other?

His remarks upon Lord Shaftesbury are not less improbable. That nobleman was violent and ambitious, but he was not corrupt. No statesman has been more unfairly treated by the writers of both parties; his want of political consistency lost him the favour of each; but none of his accusers have ever denied to Shaftesbury the character of being an incor-

\* North's Examen.

† Dalrymple's Appendix, p. 280.

CHAP. ruptible judge, and a man of honour. The following  
IV. anecdote, which has only recently been made public,  
A.D. 1679 will show the improbability of Barillon's statement, that  
& 1680. this nobleman might be gained by a sum of money.

“ Monsieur Ruvigni, the minister from France, waited on Lord Shaftesbury. He first made him many compliments in the name of the French king, as well as King Charles, on his abilities as a statesman, his address in the most difficult affairs, his reputation with the people, and his fidelity in all public trusts; after which, to convince him of the high esteem which the king of France in particular had for him, he desired his acceptance of ten thousand guineas, a present from that monarch, and importuned him to send for them in the afternoon; he told him further, that King Charles not only approved of his offer, but was desirous he should accede to it, and had besides authorized him to say that if he would return again to court, he might choose what preferment he pleased; and that if he did not approve of the seals, he should have the white staff, and be raised to the dignity of a duke. Lord Shaftesbury answered that he did not doubt, from these extraordinary offers, but it was expected he should adhere to the French interest, which he could never do, whilst it was so incompatible with the interest of his country; that he was obliged to the French king for his favourable opinion, but could

not by any means accept of the present designed for him, and, even in case he should do it, he could perform no service in return, since no Englishman would follow him into an interest so evidently destructive to Great Britain, especially as the French king had lately given such umbrage by the increase of his shipping, and by his endeavours to obtain the sovereignty of the sea; that if he had acquired any reputation with the people, it was because they believed he adhered to their rights and religion, and fell a sacrifice upon that account, and that as soon as they should find he had quitted them, they would leave him as speedily. He desired Monsieur Ruvigni to represent him as full of duty to King Charles, and to assure him that he had the same heart and disposition to serve him, if he could do it consistently with the interest of the Protestant religion and the liberties of the people.”\*

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& 1680.

\* M. Stringer in his MS. says, “that he was at Lord Shaftesbury’s when Monsieur Ruvigni came thither, and when he went out; that Ruvigni was in private near two hours with only one gentleman, who was interpreter; for though Lord Shaftesbury understood French, he was not ready in speaking it; that immediately after Monsieur Ruvigni was gone, he had an account of this conversa-

tion with more to the same purpose from Lord Shaftesbury, and from the gentleman who was interpreter. Some time after, Monsieur Ruvigni related to Lord Russell, who was his relation, his discourse with Lord Shaftesbury.” —*Martyn’s Life of Shaftesbury*, vol. ii., p. 87. This M. Stringer was a very intimate friend and protégé of Shaftesbury; he resided with him for many years, and after-

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Having thus collected the evidence upon this important charge, which has been so often pressed against the founders of the Whig party, I shall quit the subject, each will probably form his judgment according to the original bias of his mind, and according to the amount of confidence he is accustomed to place in the integrity of public men. It has been made a party question upon which few pronounce an impartial judgment; some, therefore, may still be ready to prefer the testimony of the French ambassador to the character of the British statesman.

On the 31st of January, in this year. The Lords Russell and Cavendish, Sir Henry Capel, and Mr. Powle, waited on the king, and desired to be excused from any further attendance at the council. "To which," says the Gazette, "his majesty was graciously pleased to answer, 'With all my heart.'"

These parliamentary leaders had long been seeking an opportunity of withdrawing from a post where they incurred responsibility without enjoying influence, but they waited until some occurrence should take place which would completely justify their secession to the nation. They found it in the further prorogation which was now resolved upon. In this

wards, through his patron's influence, became chairman of the Salisbury-Quarter Sessions. He left a MS. Life of Shaftesbury, from which Martyn's was in a great measure written.

instance, they coincided in and were perhaps influenced by, the opinion of Shaftesbury. The following were the reasons delivered to them by that nobleman recommending this course :

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& 1680.

“ *January 30, 1679-80.*

“ I have altered my opinion since last night, on second thoughts, and now think nothing clearer than that you ought to quit, and that presently and in a body together, both for your own sakes, the nation’s, and the king’s service ; you may not have so fair an opportunity again offered which so distinctly justifies you to the world, every day may engage you in new and illegal proceedings like that of the proclamation against petitions. If the D. of Y. shall be admitted to the council as in Scotland, you must either quit upon that which is a less score, or continue his fellow counsellors. If the papists, of whom the D. of Y. is the manifest head, shall attempt within a few weeks to alter the religion and government, by the assistance of the French, whose forces and provisions are ready upon the coast next us, your lordships have continued as blind watchmen for us, and will never be received into the number of good Englishmen. As our affairs stand, we have no hope of a good composure but by the weight of the nation in a manner compelling us to take right counsels. To this end, your lordships going out together at this time

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extremely serves, and the sense of the body of the Protestants and sober men made known to his majesty by their addresses and petitions through the whole nation will not a little contribute. Those that are not for this cure must either rely on violent courses or resolve to give up all; it can have no effect upon the Dutch treaty, the reputation of our alliance is necessary to them, and more they hope not from us; the prorogation to the 15th of April makes all things else impossible. Besides the Dutch alliance is a thing in itself good and desirable; but, as wholesome and nourishing meat, though good in itself, yet to a disordered stomach serves only to add to the disease; so with us, if this alliance serves to raise money, men, and ships, for our mutual defence under the conduct of his Rl. Hs., it had been much better never made. Nothing is good but tends to set things right at home: in the first place, your lordship, in particular, will never have such an opportunity to restore yourself to the nation; again, the counsel of good husbandry, to live without parliaments, both lie heavily upon your lordship, and must leave you and others, in the opinion of the best men, as the worst ministers that have come yet: but you may by this convince all good men that what is past was mistake, not malice, and they will be ready to embrace with open arms men of your consideration, both for quality, ability, and fortune. Your lord-

ship sees with what candour and clearness I deal with you; I expect the same again from you, and when you have read this paper twice, and taken out what notes you please with<sup>d</sup> your own hand, that you burn it before the bearer. As you are, you serve only to delude the world with vain expectations of what they shall never find, and give the papists an opportunity to stalk with you, and destroy us under your bellies.”\*

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Such was the issue of Sir William Temple’s plausible expedient to delude the nation and increase the power of the king.†

At Midsummer it was the custom of the citizens of London to choose their sheriffs, and their choice this year had considerable effect upon the relative strength of the two parties. When party feeling ran so high, it was a matter of no small moment which faction had the choice of the London and Middlesex juries: hitherto this had been usually left to the undersheriffs, who, being generally in the pay of the court, had of course returned such as would answer its purposes. But Shaftesbury now instructed

\* Martyn’s Life of Shaftesbury, vol. ii., p. 232.

† I, of course, do not mean to accuse Temple of favouring the extreme designs of the court; Russell himself had not a greater

abhorrence of popery as an established religion than Temple, but in advocating the cause of prerogative, he was unconsciously facilitating the event he would have deplored.



CHAP. IV. the people that this was a privilege, which should be  
 A.D. 1679 & 1680. carefully preserved as a defence against the tyranny  
 of the crown and the corruption of the bench. The  
 customary compliment of allowing the lord mayor  
 to name one of the sheriffs was therefore refused, and  
 the citizens chose Bethel and Cornish for the ensuing  
 year.

Bethel was sullen in his disposition and republican  
 in his principles; he affected a primitive frugality  
 during his year of office, by no means agreeable to  
 those who had elected him. The citizens thought  
 that the knowledge he had displayed, and the judi-  
 cious work he had written, were but poor compensa-  
 tions for the feasts which he denied them. Cornish,  
 on the other hand, was moderate in his political  
 views, and rich and liberal as well as patriotic. He  
 pretended to no republican simplicity, and his civic  
 hospitality made amends for the sordidness of his  
 colleague.

But different as these men were in their disposi-  
 tions and political views, they were united in their  
 opposition to the court: their power formed a count-  
 erpoise to that of the judges, and the popular leaders  
 now felt themselves safe from those ordinary acts of  
 tyranny, which were so commonly practised with the  
 sanction of the courts and under the name of justice.

Another event which, in a history of parties, re-  
 quires particular notice, occurred during this long pro-

rogation. It was during this time when, as Algernon Sidney says, "Things were so entangled that liberty of language was almost lost, and no man knew how to speak of any thing lest he that was spoken unto might be of a party contrary to him, and that he endeavoured to overthrow what he would set up."\* It was during this political chaos that the party words, Whig and Tory, were struck out, and that definitive titles were thus imposed upon principles and parties which had some time existed.

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According to Roger North,† the country party were the first to brand their opponents with the name by which they were afterwards to be designated. The Duke of York naturally affected the society of those whose religion was the same as his own, and the Catholic Irish were therefore in great favour with him. This circumstance occasioned the popular party to call all the opponents of the Exclusion bill, Irishmen. The hatred the majority of the English bore to popery, rendered this an opprobrious term; but it required to be strengthened before it could express the animosity of a hostile party. The epithet became successively "Wild Irish," and "Bog-trotter;" but it was yet imperfect until some zealous member of the opposition found invective and euphony united in the word Tory: a name applied to a

\* Letter to Furley.

† Examen, p. 321.

CHAP. set of ruffians in the disturbed districts of Ireland—  
 IV. according to North, to the most despicable savages  
 A.D. 1679 among the wild Irish.  
 & 1680.

The word Whig is of Scotch origin. It was, say some writers, used in that country for the curd into which milk was reduced previous to being converted into cheese ; it was thence deemed applicable to the sour and curdled tempers of the persecuted covenanters. The rebellion of the ill-used sect, of course, rendered them an object of the greatest abhorrence to the high church and high monarchical Tories, and they bestowed this name upon their opponents in England as the most reproachful they could discover.

Burnet, however, gives another derivation of this word. He dates it from the year 1648, when the Scotch people excited by their ministers, rose and marched to Edinburgh to oppose the prosecution of Duke Hamilton's attempt in favour of the captive king. The south-west counties of Scotland producing little corn, were obliged to send to Leith for the stores of that article, which were supplied by the superior fertility of the northern counties. The carriers who repaired to Leith for this purpose, were then called Whiggamors, from the unusual word Whiggam, which they used in driving their cattle. The inhabitants of Leith and Edinburgh very naturally extended this epithet to the whole of the inhabitants of the countries whence these men came ; and as the

insurgents who occupied Edinburgh sprang chiefly from the west, that circumstance was called the Whiggamors inroad. The name was afterwards applied to the whole body of covenanters, gradually shortened into Whigg, and thence, as already mentioned, the word was introduced into England.

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These names were no sooner applied, than they were eagerly repeated: they became immediately standard titles; and although either party, when under a cloud of unpopularity, has often had recourse to the temporary assumption of some less odious appellation, they have always returned with fondness to their original word of union when the hour of adversity had passed away.

Having thus discussed those events during this extended prorogation, which are connected with the rise and progress of the two parties, we must now examine their conduct in the parliament which met for the despatch of business on the 21st of October, 1680,\* and which after electing their speaker, and

\* Previously to the meeting of parliament, the Duke of York was sent to Scotland. Several of the council interceded for him, and he himself exerted all his influence to prevent his banishment. But the Duchess of Portsmouth was now against him, and Charles, who had little respect for his brother, and whose opposition to the Exclusion bill seems to have proceeded from his hereditary ideas of divine indefeasible right, was provoked by the annoyances he suffered upon his account, and by his uncompromising constancy in matters of religion. Godolphin said at the

CHAP. hearing Dangerfield's confession with regard to the  
IV. meal-tub plot, immediately commenced their great  
A.D. 1679 design of excluding the Duke of York from the  
& 1680. throne.

council board upon this occasion, and the king along with him."—  
"If the duke do not leave the *Dal. App.* 276. So strong were  
kingdom at present, he will be the apprehensions entertained of  
obliged to leave it in a fortnight, the coming session.

## CHAPTER V.

The Tory party—Seen in the debates on the Exclusion bill—In the commons—In the lords—Trial of Stafford—Prorogation and dissolution of parliament—Burnet's scheme of limitations—Fitzharris's libel.

WE have seen the Whig party called into being to resist the attempt of the king and his Cabal against the religion and liberty of the country. I have chosen to view the Tory party first in the debates upon the Exclusion bill. Individuals professing the creed which was now first called Toryism, were, doubtless, mingled in the pensioned parliament, but it would be then difficult to separate the conscientious supporters of the court from its unprincipled hirelings, and it would be unjust to attribute to this party the conspiracy of the Cabal, or the alliance with France. I have chosen, therefore, a period when the line of distinction is broad and well defined, when the repugnant principles of the two parties were brought into direct and active opposition.

CHAP.  
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A. D. 1680.

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V.  
A.D. 1680.

“ The power and majesty of the people, an original contract, the authority and independency of parliaments, liberty, resistance, exclusion, abdication, deposition ; these were ideas associated at that time to the idea of a Whig, and supposed by every Whig to be incommunicable and inconsistent with the idea of a Tory.

“ Divine hereditary and indelible right, lineal succession, passive obedience, prerogative, non-resistance, slavery, nay, and sometimes popery too, were associated in many minds to the idea of a Tory, and deemed incommunicable and inconsistent in the same manner with the idea of a Whig.”\*

Such is the definition of these two parties at their origin, given by one of our most eloquent political writers. It is evident, therefore, that nothing could mark their existence more strongly than a measure, which, involving the highest interests both of the people and the throne, was put forward to establish one series of principles and to discountenance the other.

In the house of commons, the subject was opened by Lord Russell, who declared that, either parliament must destroy the power and growth of popery, or that popery would soon destroy not only parlia-

\* Bolingbroke's Dissertation on Parties. An elaborate exposition and defence of the original Tory creed will be found in North's Examen, pp. 325 to 341.

liaments, but all that was near and dear to the English nation. He moved a resolution against any popish successor. Sir Henry Capel, brother to the Earl of Essex, followed in a speech of great length ; and, after hearing Sir Francis Winnington, who had been solicitor-general, but was dismissed on account of his uncourtierlike scruples, and Montagu, who is already known—both in favour of the motion—the house resolved unanimously that it was their duty effectually to suppress popery and prevent a popish successor.

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A.D. 1680.

On the 4th of November, the Exclusion bill was read a first time in this house of commons. The debates drew forth the strength of the two parties, and discovered the Tories as weak in numbers as in argument. Sir Leoline Jenkins conducted the opposition to the bill. He was a high churchman, “set,” says Burnet, “on every punctilio of the church of England, even to superstition.”\* Jenkins had been a stanch loyalist during the civil wars, and had, in common with many of his brother students,† joined the king’s party, when his standard was displayed at

\* An instance of his superstition is given in Wynne’s Life of Jenkins, p. lxi. During a lent he fell sick, and his physician advised him to eat flesh. Jenkins scrupled for a long time, and was at last only persuaded upon receiving a dispensation from Archbishop Sheldon.

† Those of Jesus College, to which Sir Leoline belonged, had little choice, as the college was dismantled and turned into a barrack. It long continued to be the quarters of Lord Herbert and others, who joined the king from Wales.



CHAP. Oxford. His affections were divided between his  
V.

A.D. 1680.

royalist politics, and his love of academical learning ; and when the former became hopeless, he applied himself to the acquirement and communication of the latter. For several years during the continuance of the Commonwealth, he had employed himself in educating the sons of eminent royalists, many of whom attended him all over Europe. Upon the restoration he returned to his university, and became fellow, and afterwards principal of Jesus College.

While holding this situation, his advocacy of prerogative recommended him to the notice of the court, who at this time much needed defenders of the favourite doctrines of monarchy. He was associated with Temple in the embassy to Nimeguen ; and when that able minister was found too honest and penetrating to be continued at the Hague, Sir Leoline was chosen to succeed him. He had practised as an advocate in the Ecclesiastical courts ; and the judgeship of the Admiralty, and of the Prerogative court of the Archbishop of Canterbury, which had rewarded his compliant principles, had only stimulated his ambition. Upon his return from the Hague, his university marked their approbation of his principles and conduct, by sending him to the house of commons as one of their representatives. This situation gave him more abundant opportunities of showing his devotion to the dispensers of patron-

age, and the king was not slow to reward so assiduous a servant. Upon the dismissal of Coventry, a dismissal which the commons thought sufficiently accounted for by the letter of Danby, which Montagu had betrayed to them, Jenkins was appointed secretary of state in his place.\*

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The new secretary's political sentiments will sufficiently appear from the following extract from his speech upon the first reading of the Exclusion bill: "I am of opinion," he said, "that the kings of England have their right from God alone; and that no power on earth can deprive them of it. And I hope this house will not attempt to do any thing which is so precisely contrary not only to the law of God, but to the law of the land too. For if this bill should pass, it would change the essence of the monarchy, and make the crown elective. For, by the same reason that this parliament may disinherit this prince for his religion, other parliaments may disinherit another upon some other pretence which they may suggest, and so, consequently, by such exclusions, elect whom they please. It is against the oath of allegiance, taken in its own sense, without jesuitical evasion. For by binding all persons to the king, his heirs and successors, the duke, as presumptive heir, must be understood. And I am of opinion it cannot

\* Wynne's Life of Jenkins, an elaborate work in two folio vols.

CHAP. be dispensed withal. Sir, I will be very cautious  
 V. how I dispute the power of parliaments, I know the  
 A.D. 1680. legislative power is very great, and it ought to be so.  
 But yet I am of opinion, that parliaments cannot dis-  
 inherit the heir of the crown; and that if such an  
 act should pass, it would be invalid in itself; and,  
 therefore, I hope it will not seem strange that I  
 should offer my judgment against this bill, while it is  
 in debate; in which I think I do that which is my  
 duty, as a member of this house."

And again, in the debate upon the third reading :  
 " For my part I have taken the oath of allegiance,  
 and think myself therein bound to him as heir, until  
 it please God that his majesty have children. I  
 know of no power on earth, that can dispense with  
 my oath; and, therefore, I cannot (as much as by  
 being silent) give my consent to this bill, lest I  
 therein wrong my conscience, seeing I have the  
 honour to be a member of this house."\*

Sir Leoline† found few supporters in the commons,  
 and none who supported the bill upon his broad

\* Burnet says, " Jenkins nei-  
 ther spoke nor writ well; but," he  
 adds, " being so eminent for the  
 most courtly qualifications, other  
 matters were the more easily dis-  
 pensed with."—p. 482.

† His sentiments respecting the  
 dissenters appear from one of his

private reflections, which he left  
 among his papers. Reflecting upon  
 extending to them indulgences,  
 he says, " Liberty and indulgence  
 doth not oblige ungovernable and  
 ambitious men, but render them  
 more haughty and licentious."

ground of the impotence of parliament to change the succession (an argument which, followed to its legitimate conclusion, would have abolished the right of the Stuarts, and rendered Charles a usurper). Sir R. Temple objected only to the details of the bill, and even then could only inveigh against their injustice. Mr. Laurence Hyde, the first commissioner of the treasury, the son of the Earl of Clarendon, and afterwards Earl of Rochester, was more decided, he declared that if the bill passed, he was confident there was a loyal party which would never obey it; they, he said, would still think themselves bound by their oaths of allegiance and duty, to pay obedience to the duke if ever he should come to be king.

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A.D. 1680.

Sir Edward Seymour contented himself with eulogising the duke, and threatening the kingdom with a civil war; upon which Sir Richard Graham undertook to show the house what fruitful sources of misery such wars had always been to a nation. Garraway, with his usual trimming policy, spoke against the bill;\* but, with the exception of these, Lord Castleton and Colonel Legge, afterwards Lord Dartmouth, and at this time master of the horse, and gentleman of the bedchamber to the Duke of York, were its only opponents in the commons.

Sir Leoline's arguments were heard with the

\* It was previous to the debates house were first ordered to be on this bill that the votes of the printed.

CHAP. greatest indignation by the great majority of the  
V. house. They called forth the eloquence of Hamp-  
A.D. 1680. den, and the vigorous declamation of Birch. “I  
admire,” said the latter, more argumentatively than  
was customary with him, “to hear that honourable  
member make a doubt as to the legality of this bill;  
certainly, sir, our legislative power is unbounded,  
and we may offer to the lords, and so to his majesty,  
what bills we think good; and it can as little be  
doubted, that the legislative power of the nation—  
king, lords, and commons—should want a law to  
make laws; or that any laws should be against what  
laws they make. Otherwise they cannot be legally  
opposed.” Hampden vindicated the house from  
the charge of disinheriting a man simply on account  
of his religion, and declared that but for the danger  
which threatened the liberty of the nation, he did  
not think that the duke’s being a papist would be a  
sufficient cause for the house to spend time about  
that bill. Sir William Pulteney held the same sen-  
timent. “This bill, sir,” he said, “is not to disin-  
herit a man for his religion, but because he has  
rendered himself incapable to govern us according  
to our laws: his being incapable is the ground of  
our proceedings, having no other way to preserve  
ourselves.”

The speech of Mr. Launcelot Hyde called forth a  
new and powerful advocate for the Exclusion bill.

Sir William Jones was one of those rare exceptions of a lawyer rising to eminence during the reign of the Stuart dynasty, assisted only by his own ability and professional learning, and without submitting to be made the mere instrument of the court. Morose in temper, honest in his intentions, wise and cautious, but hating arbitrary power, and jealous of the Catholics, Jones appeared to be a man against whom, notwithstanding the preference of his profession, the gates of preferment were for ever closed. It was probably to obtain credit for a popular appointment, and to restrain the activity of an opponent, that Charles created him attorney-general.

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V.

A. D. 1680.

Beneath a rough address Jones concealed a humane disposition, but he was not free from the credulity of his age. In the performance of his duty as attorney-general, he conducted the prosecution of those who suffered for the popish plot, and he would hear no argument against the credibility of the witnesses.\* In 1679, when the popular leaders were

\* Carstairs, a man who had rendered himself notorious in Scotland by the most infamous practices against the covenanters there (*Burnet*, vol. i., p. 400), was the chief witness against Staley, the catholic banker. Burnet, who knew his character and that of his associates, sent both to the lord chancellor and to Jones, to let them

know what profligate wretches these witnesses were. "Jones, the attorney-general," says Burnet, "took it ill of me that I should disparage the king's evidence; the thing grew public, and raised great clamour against me, for it was said I was taking this method to get into favour at court."—Vol. i., p. 434.

CHAP.  
V.

A.D. 1680.

admitted into the council, Jones obtained a proportionate increase of influence, and he was even allowed to effect some reformation in the bench; but the court soon grew tired of so unaccommodating an officer, and were rapidly raising Sir John King to be his rival and successor. This person however died before his promotion could be completed, but not before Jones had been disgusted. He now determined to retire from office. Having refused the chancellorship, which was offered him if he would promise an unconditional support of the king's measures, he openly joined the opposition, and obtained a seat in parliament during the progress of the debate upon the Exclusion bill.

In answer to the objections urged by Hyde and others to the principle of this bill, he defended it as just and constitutional.

"This bill," he said, "is not intended as a condemnation to the duke, but a security to ourselves; and is so far from being against natural justice, that the passing of it is agreeable to the very foundation, not only of natural justice, but natural religion too; the safety of the king and kingdom depending thereon, which, according to the rules of justice and religion, we are bound to use our endeavours to preserve before any one man's interest. The objection about the oath of allegiance, I do a little admire at; for it is the first time I ever heard that oath pleaded

in favour of popery. I have oftentimes had occasion to scan the meaning of that oath, but never found it extended to the successor during the king's life, and therefore no need of any dispensation in that point; and I cannot understand how it can be any scandal as to our church or religion, if by church be meant our Protestant church. Can our church or churchmen be scandalized because we endeavour to secure ourselves against popery by all lawful means? I rather think the very supposition a high reflection on our churchmen, as rendering them willing to let in popery, which I am confident they are not. As to what is said, that the law will be void in itself, and that there will be a loyal party that will never obey it, and that it will occasion a civil war; I must confess these are strange arguments to me; for to doubt that the legislative power of the nation—king, lords, and commons—cannot make laws that shall bind any, or all the subjects of this nation, is to suppose there is such a weakness in the government as must infallibly occasion its ruin; and therefore I am of opinion, that what laws you make in this case, will carry as much right and strength with them, not only now, but after the king's death, as any law whatsoever; and how then can there be a loyal party that will not acquiesce therein, unless the word loyal have some other signification than I know of; I take it to be a distinction that can only be given to such as

CHAP.  
V.

A. D. 1680.



CHAP. obey laws ; and I think we need not doubt, but if  
V. once this law were passed, there would be Protestants  
A.D. 1680. enough, whose interest it will be to defend it, that  
would compel an obedience to it ; and we have much  
more reason to fear a civil war without it than with  
it ; for if we can get this bill, we may be thereby so  
united, and enabled to defend ourselves, as that the  
popish party may never have the confidence to at-  
tempt us ; but without it we shall not be in any  
capacity to defend ourselves, which, above all things,  
may encourage a civil war.”

Henceforward Sir William Jones is to be numbered among the foremost of the leaders of the Whig party, and as one of the most unflinching advocates for the Exclusion bill, as he supported this bill upon the principle that a Catholic king (certainly such a Catholic king as the Duke of York had shown himself likely to be) would attempt the introduction of popery as an established religion, and that this attempt would bring about civil war, a despotism or a republic, so he refused any offer of limitations upon the principle that the constitutional prerogative of the throne was inseparable from the person of the monarch, and that those who would vest the functions of the sovereign in a committee of regency, proposed an infraction of the constitution, which would probably never be repaired. The kings of England would then be as powerless as the caliphs of Bagdad,

and the monarchy would gradually merge into an oligarchy. CHAP. V.

The Whigs having borne the Exclusion bill thus rapidly through the commons, it was sent up to the lords, and Lord Russell was intrusted with the message. Here, however, it met with a very different reception. A.D. 1680.

On the 15th of November, it was brought into the house of lords, and after a debate so interesting, that the commons adjourned their house to be present at it, and so important, that the king remained the whole day in the house to discountenance its advocates, and give confidence to its opponents,\* it was rejected by a majority of sixty-three to thirty. Twenty-five of these thirty peers, entered their protests upon the journals of the house.†

This great debate drew forth all the talent of the lords, and exhibited the eloquence of Shaftesbury, eclipsed by that of Hallifax. The rapidity with which the bill was passing the commons, had induced the king to send them a message, assuring them that all remedies they could tender him against popery

\* The names of these peers were Anglesey, Kent, Huntingdon, Bedford, Monmouth, Clare, Salisbury, Rivers, Manchester, Stamford, Essex, Eure, Shaftesbury, Sunderland, Macclesfield, Cornwallis, Lovelace, Herbert, Pagett, Delamer, Howard, North and Grey, Grey, Suffolk and Crewe.

† Ralph.

CHAP. would be acceptable to him, provided they were such  
V. as might consist with preserving the succession of  
A. D. 1680. the crown in all its legal course of descent.

It is probable that in this assurance, the king was sincere, and that he would at this time have submitted to any limitations or restrictions—to any thing but absolute exclusion.

Hallifax preferred securing what was offered to contending for an improbable object, and a courtier\* says, that his clear head, fine wit, and fair eloquence, produced so powerful an effect upon the house, that all confessed it was Hallifax alone who persuaded the peers to throw out the bill. Burnet, who was no panegyrist of Hallifax, also celebrates his triumph upon this occasion, and declares that in the debate, he had a visible superiority over Lord Shaftesbury, which, to a man such as we have seen Hallifax described to be, was triumph enough to repay him for any deviation from his ordinary policy, and inducement enough to tempt him to continue in the new course he had chosen.

The debates of the lords upon this important question are lost ; but we may be sure that Hallifax did not employ in the house and before the king the arguments which he used in private conversation. There he was accustomed to laugh at the fears ex-

\* Sir John Reresby's Memoirs.

pressed by some of his supporters, lest the success of such a bill should render the crown elective. "Who takes a coachman to drive him because his father was a good coachman?" was the common observation of this public advocate for the integrity of the succession: and in pressing his limitations upon the Whig leaders, he privately declared that he opposed the exclusion because it passed over one man, but left the prerogative of the crown entire in the next heir, whereas his expedient brought the nation really into a commonwealth, and the limitations he proposed were so strict, that even the old republicans would hail the accession of a popish prince as a national blessing.

CHAP.  
V.  
A.D. 1680.

Shaftesbury laughed at these cobweb fetters, which it would be the first exertion of kingly power to break asunder. Essex, who had temporarily sided with Hallifax, now rejoined the Whigs, and his name appears to the protest against the vote, by which the lords threw out the bill.

This contemptuous rejection of their favourite bill was not calculated to soothe the Whig majority in the house of commons; the violence to which it excited them urged them on to acts which danger and provocation may, perhaps, palliate, but which no defence can justify. When they voted an address to the king to remove Hallifax from his presence and

CHAP. councils for ever, although they clothed their request  
V.

A.D. 1680.

with the decent excuse, that he had advised the dissolution of the last and the prorogations of the present parliament, it was notorious that their real complaint was the opposition he had made in parliament to the Exclusion bill. They were therefore, in fact, refusing to the peers that freedom of speech which they claimed for themselves, and selecting an individual to expiate a contempt which had been offered them by a body. Their conduct with regard to the abhorrers, many of whom they committed, and one of whom, a member of their house, they expelled, was perhaps but a retaliation for the persecution which Dare and others had suffered from the court : but although the expulsion of Sir Robert Peyton was strictly constitutional, it was as flagrant an abuse of the privilege of the house as the lords had committed in the former parliament, when they imprisoned in the Tower the four lords who argued against the legality of the session. It was inflicting the very tyranny of which they complained, and fettering the expression of that public feeling which they declared themselves so anxious should have vent. When they imprisoned persons who were not members of their house, they were legally as well as morally wrong, and were obliged to admit their injustice : it was soon exercised upon a man who had the courage to

apply for a habeas corpus, and a judge was found sufficiently courageous to award it.\*

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A.D. 1680.

But the most lamentable effect of the indignation of the commons was the prosecution to death of the Earl of Stafford. This last victim of the popish plot was possessed of few virtues, and was entitled to little respect; the extravagances of his youth had impaired his constitution, and he was looked upon as a man of weak intellect and timid disposition. The courtiers† said that it was this consideration which led the commons to choose him out of the five lords who had so long laid in the Tower under their impeachment, and that they brought him forth to expiate the sins of all, because they expected to find in him a passive victim. If such a consideration had any effect at all, the probability is rather that they chose Stafford because they thought that the terrors of an impending death would startle such a mind into disclosures of plots and designs, and that they should thus arrive at a full knowledge of the conspiracy, which they were confident had existed, but which they had not been yet able to unravel. The greatness of the occasion however restrung the slackening

\* “ There was one Sheredon, a native of Ireland, whom the commons committed, and he moved for his habeas corpus. Some of the judges were afraid of the house and kept out of the way; but Baron Weston had the courage to grant it.”—*Burnet*, vol. i. p. 485. For this, but on another pretence, the house afterwards resolved to impeach this judge.

† Reresby's Memoirs.

CHAP. powers of his mind, and his consciousness of inno-  
 V. cence enabled him to make a judicious defence, even  
 A. D. 1680. against the practised eloquence and legal skill of  
 such men as Jones, Maynard, and Treby, who were  
 among the managers for the commons. Oates, Dug-  
 dale, and Tuberville, all three, bloodhounds of the  
 nicest scent, were the witnesses against him. They  
 swore that he had received from a jesuit named Fen-  
 wick, already executed, a commission of paymaster-  
 general of the forces to be levied for the purposes  
 of the plot. Tuberville swore that the accused had  
 attempted to bribe him to kill the king; and Dugdale  
 deposed that he had seen him at an assembly, where  
 every person in succession gave his full assent to a  
 resolution to take away the life of the king. This  
 decisive testimony was received by the audience  
 with a murmur which may have been either the  
 deep breathing of intense interest, or the involun-  
 tary expression of savage exultation.\*

\* "Who can read," says Mr. Fox, "without horror, the account of that savage murmur of applause which broke out upon one of the villains at the bar, swearing positively to Stafford's having proposed the murder of the king? and how is that horror deepened, when we reflect that in the odious cry were probably mingled the

voices of men, to whose memory every lover of the English constitution is bound to pay the tribute of gratitude and respect!"—*History of the reign of James II.*, p. 41. It is however only said, "Here there was a great hum."—*State Trials*, vol. vii. Such a noise proceeds from a thrill of intense interest, as well as from a feeling of

Against such accusers, and before judges who evidently sympathized with them, there was little chance of escape. Upon the division the house contained 87 peers ; and of these the accused nobleman was condemned by the voices of 55. It has already been noticed, that there is no distinction of party to be drawn in this judgment of the peers. In the house of lords, which had shown itself so exclusively a Tory assembly, by the uncourteous rejection of the Whig Exclusion bill, now only 31 voices could be gathered for the acquittal of a harmless old nobleman, who had not rendered himself obnoxious by any prominent political conduct, for he had generally given a silent vote with the country party, but who was prosecuted by the Whigs because he was accused by men whom they believed, and condemned by the Tories, because they also yielded credit to the same depositions.

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V.  
A.D. 1680.

In the State Trials there is a list of the peers in the house when judgment was given, and of their several judgments. It has been already mentioned that Holles and Hallifax declared the accused not guilty ; his two kinsmen, Carlisle and Howard of Escric, were present and voted him guilty—an inde-

exultation ; and when it may be so naturally accounted for, we need not, I think, seek in it an aggra-

vation of the circumstances of this trial.



CHAP. cency more glaring, since there was some family  
V. quarrel between them and the earl. Charles's fellow  
A. D. 1680. conspirator, the infamous Lauderdale, stained with  
crimes thrice blacker than even those of which Staf-  
ford was accused, also sat upon the trial, and added  
his voice for the victim's death. But perhaps the  
most disgusting anecdote connected with this occur-  
rence is related of the Duchess of Portsmouth, who,  
it is said, was present during the trial, and dispensed  
sweetmeats, after the fashion of the time, among  
those who were known to be most hostile to the  
prisoner.

If the bitter and bloodthirsty spirit which per-  
vaded this age inspires horror when we see it actu-  
ating men, with what inexpressible disgust must we  
view it in a woman. The duchess could have had  
no excuse; a papist herself, and sharing the incre-  
dularity of the king upon the subject of the plot, she  
must have been convinced of the innocence of the  
nobleman whose murder she was abetting with her  
influence. But the duchess had lately acquired some  
popularity; her recent conduct with respect to  
foreign policy and the Exclusion bill had so far pro-  
pitiated the commons, that when her impeachment  
was moved in that house, no one was found to second  
it, and it was not the custom of the court to which  
she belonged to check a transient current of popu-

larity because it was tinged with the blood of innocent men.\*

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A. D. 1680.

After his condemnation Stafford's courage wavered, and he entered, by means of Burnet, into a treaty with the Whig leaders, that he should receive a pardon upon revealing all he knew. He was accordingly brought into the house ; but when, after mentioning a few immaterial circumstances, he proceeded to accuse Lord Shaftesbury,† the lords would hear him no more, but abruptly dismissed him to his doom.

Amid these scenes of violence we are scarcely surprised to find the commons questioning the right of the king to commute the ordinary punishment for treason into that of beheading. The reason of agitating this point was not a desire to aggravate the fate of the condemned man, but a fear lest, if it were

\* Very different was her character among the people some time before, when she could not appear in the street without being mobbed. Nell Gwynn's carriage being once mistaken for hers, the crowd would have broken it to pieces ; but she saved herself, and changed their groans into acclamations, by putting her head out the window and crying out, " You are mistaken good folks ; I am the protestant w——."

Stafford only accused Shaftesbury of advising him to use his influence to get the long parliament dissolved ; that he persuaded him that such a measure would be for the interest of popery. We know that the duke's party and Shaftesbury's sought this object at the same time, although as a means to very different ends ; and it is not improbable that the intriguing spirit of Shaftesbury led him to act as Stafford said.

† Reresby, however, says that

CHAP. V. established that the king had a right to remit any part of the sentence, it might be argued that he had equal authority to remit the whole; and that, in the recent case of Lord Danby, they had denied him. Lord Russell and those who acted with him probably thought that it was of much less consequence that a traitor, whom they were convinced had been righteously convicted of the most heinous treasons, should suffer the penalty prescribed by the law, than that a precedent should be established which might be afterwards used to nullify that great safeguard of the constitution—the common's right of impeachment. But it appears that the point was only mentioned to afford an opportunity of protesting against any such use being made of the precedent, since it was upon the motion of Sir William Jones that the house resolved that they were satisfied that the sheriffs of London and Middlesex should execute the late Earl of Stafford, by severing his head from his body only.\* Stafford met his fate with a courage and constancy which surprised those most who supposed they had known him best, and died denying all that had been sworn against him.

This was a question as to the credibility due to particular men, and the delusion was shared by both parties; but the Whigs stood alone as violators of

\* Parl. Hist.

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the constitution, when they induced the house to assume the dispensing power which they had so successfully struggled against when claimed by the crown, and to declare that the laws against dissenters ought not to be executed. It is true that this was provoked by a shameful artifice of the king. A bill had passed both houses, repealing an act of the 35th Elizabeth, which imposed a penalty of £20. a month upon all persons who did not resort to their parish church. This act had been originally designed against the papists, but had lately, with Charles's customary policy, been enforced against the protestant dissenters. The bill of repeal was awaiting the royal assent, when Charles, unwilling to pass, and afraid to reject it, procured it to be stolen from the table of the house of lords.\* It can, however,

\* The particulars of this impudent affair are thus given by Locke, in a letter to Mr. Stringer, inserted in *Martyn's Life of Shaftesbury*, vol. ii., p. 272.

"On Wednesday the 29d, the lords, in a grand committee, examined the clerk of the crown why he did not present the first bill of repeal to the king? His answer was, that the clerk of the parliament had always the custody of the bills, and that he presented all that the clerk of the parliament delivered to him, which was ac-

cepted as a sufficient answer. Then the clerk of the parliament was examined, who gave this account, that, notwithstanding the king came in his robes, he brought the bills; as he was bringing them he met my Lord Falconbridge, who asked him how many bills he had? He told him four. He said he heard the king would pass but three of them; whereupon he went up to my lord chancellor, and told him what my Lord Falconbridge said. My lord answered him, he did not know what the king would

CHAP. V.  
 A.D. 1680. be no excuse for any party of upright men that they imitated the conduct of Charles ; and iniquitous as the laws against the nonconformists undoubtedly were, both judges and juries were unquestionably to be commended for disregarding the resolution of the commons.

Several other acts of the commons during the remainder of the session were equally vigorous and less blameable. In June, during the long prorogation, when all hope of a meeting of parliament was given up, and the duke had returned in triumph from Scotland, Shaftesbury, to reanimate his dejected party, had suggested the bold steps of presenting the Duke of York to the grand jury of Middlesex as a popish recusant. Accompanied by Lords Russell and Cavendish, and others of the Whig party, he proceeded to Westminster, and made the presentment in form. The judges of the court of king's bench were, however, alarmed at this decided proceeding, and immediately discharged the grand jury,

do, but he would ask him. The king bid him bring in the bills to the prince's lodgings to him. Then the king took a certain lord aside, and talked with him in a corner of the room ; after which he came to the clerk of the parliament, and told him he would not pass the bill of repeal. Then the clerk

asked the king if he should write upon the bill of repeal the words the king uses, and which it seems are writ upon it when the king refuses a bill ? The king said no ; but that he should leave it there, and not bring it into the house to be offered."

although there were many indictments yet remaining before them.

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Upon this conduct the house of commons resolved that the discharging of the grand jury by any judge before the end of the term, assizes, or sessions, while matters were under their consideration, and not presented, was arbitrary, illegal, destructive to public justice, a manifest violation of his oath, and a means to subvert the fundamental laws of the kingdom.\* They afterwards resolved to impeach the judges who had interfered upon this occasion; as indeed they did to impeach almost all the rest of Charles's judges, who had, in many instances, given them sufficient cause. North was called in question for his proclamation against petitions, but their general offence, however the charge might be disguised, was, that they had received their cue from the court to discountenance the plot.

But the opposition which most affected the king was, the refusal of a supply. Tangier was besieged by the Moors, and Charles was of course in want of money to relieve the place. The Whigs, however, openly declared that they had not forgotten how those two millions had been disposed of which they had voted for the triple alliance; and they now in their answer declared, that unless the king promised

\* Parl. Hist.

CHAP. his assent to the Exclusion bill, and to a bill which  
 V. they were now preparing to associate the Protestants  
 A.D. 1680. in defence of its provisions, and unless he consented  
 that the judges should thenceforward hold their  
 offices “*quamdiu se bene gesserint*,” and placed all  
 the offices of the state in the hands of persons of  
 known affection to the Protestant religion, the people  
 would not be encouraged to contribute to his ma-  
 jesty’s service. The king, on the 7th of January,  
 answered their address by persisting in his refusal of  
 their bill, and in his demand of a supply.\* The  
 commons replied by resolutions against the Duke of  
 York, Hallifax, Worcester, Clarendon, Hyde, Fever-  
 sham, and Seymour. They resolved also that any  
 one who lent the king money by anticipation upon  
 his revenue, should be held responsible in parliament  
 as a conspirator against their being; and that who-  
 ever should advise their prorogation, would be a be-

\* As to remodelling the army which the commons wanted, Charles told Sir John Reresby, who was terribly alarmed at the temper and power of the house, “Let them do what they will, I will never part with any officer at the request of either house. My father lost his head by such compliance; but as for me, I intend to die another way.” But “money was so exceedingly wanting, and

parliament offered so fair if he would but give up his brother,” that the courtiers doubted his resolution, and none of them felt themselves quite safe.—*Reresby’s Memoirs*, pp. 102 and 106. The same person attributes the king’s answer to this address to Lord Hallifax, who said it was like offering a man money to cut off his nose.

trayer of the king, the Protestant religion, and the kingdom of England; a promoter of the French interest, and a pensioner of France. They proceeded in the same strain to vote thanks to the city of London, to threaten the commissioners of the customs, and to declare that the Duke of Monmouth had been removed from his offices and commands by the influence of the Duke of York, and ought to be reinstated, when the usher of the black-rod knocked at their door, and summoned them to the house of lords to hear their sentence of prorogation.

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A.D. 1686

This series of extraordinary resolutions was the work of a quarter an hour, for such was the notice they obtained of the king's intention. The parliament was prorogued until the 20th of the same month, and the general expectation was, that before that time it would be dissolved.

The city of London was the first to take the alarm. On the 13th, the lord mayor presented a petition setting forth, that whereas the parliament had convicted one of the five popish lords in the tower, and were about to convict the other four of high treason; that they had impeached the chief-justice Scroggs, and were about to impeach other judges; and all this in order to the preservation of his majesty's life, the Protestant religion, and the government of England; that they were extremely surprised to see the parliament prorogued in the height



CHAP. V. of their business ; that their only hopes were, that  
 A.D. 1680. this was done only in order to bring such affairs  
 about again, as were necessary to the settling the  
 nation. They therefore prayed that his majesty  
 would be pleased to let the parliament sit at the day  
 appointed, and to continue till they had effected all  
 the great affairs before them.\* To this petition, the  
 king gave the foolish answer, that “ It was none of  
 their business ;” and on the 18th he issued a procla-  
 mation dissolving parliament.† The Prince of Orange  
 was scarcely less disappointed than the citizens of  
 London at this prorogation and dissolution ; he wrote  
 to Sir Leoline Jenkins upon the subject, in terms of  
 strong disapprobation. “ If people,” he said, “ per-  
 suade themselves that when a new parliament is  
 called, it will not have the same sentiments, that is  
 a thing which cannot enter into my mind. The ex-  
 perience of the past has shown clearly enough, that  
 instead of being more moderate, they have always  
 pushed things to a greater length.”‡

Events soon proved the justice of the prince’s  
 opinion. The same proclamation which had dis-  
 solved the former parliament, had summoned a new  
 one to meet at Oxford on the 21st of March ; and  
 the nation, almost without exception, returned those

\* Parl. Hist.

† Reresby.

‡ Dalrymple, App., p. 309.

members who had rendered themselves conspicuous as Whigs in the former parliament.

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The city of London, stung by the insult they had received, and by the further contempt which the king endeavoured to show them by the removal of the parliament from their neighbourhood, were the first to give an example. Their old members, Clayton, Player, Pilkington, and Love, were immediately rechosen; they were thanked for their former conduct, and the freemen of that city, assembled in common-hall, promised, that being confident that their members would never consent to grant any supply until their citizens were effectually secured against popery and absolute power, they would stand by them with their lives and fortunes. Similar declarations were made throughout the country, and so great was the enthusiasm, that few members were allowed to pay the expenses of their return.

Lord Hallifax, who had been readmitted into the privy council immediately after his successful opposition to the Exclusion bill, was now the chief favourite at court; and although still opposed to the French interest, and therefore at variance with the Duchess of Portsmouth, he exercised as much influence in the government as any minister could under such a sovereign as Charles. Hallifax was thoroughly alarmed at the vote which declared him a promoter of popery and a betrayer of the people.

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A.D. 1680.

Looked upon as a traitor by his former friends ; uncertain of the support of a master, whose fickleness and reserve made him hearken to every counsel, and act suddenly and silently upon that which was perhaps the most opposed to the advice of those who were responsible for his deeds ; jealous of the Earl of Danby, who, it was supposed, would be now taken from confinement and reinstated in his former power, the situation of Hallifax was far from enviable, and, while he pretended to disapprove of the dissolution of the late parliament,\* he dreaded the hostility of the new one.

The place chosen for the meeting of parliament gave great dissatisfaction to the Whigs. It has been already mentioned that the politics of the metropolitan sheriffs protected their party in Middlesex from the wrath of the crown. They thought that by convening the new parliament at Oxford, Charles intended to withdraw them from that protection, and to separate them from their most fearless supporters. Sixteen peers petitioned against a parliament being held at a place, where, as they plainly intimated to the king, they must be in hourly danger of the swords of his papist guards ; but Charles only frowned† upon the petitioners, and persisted in his resolution.

During the short interval that occurred between

\* Reresby.

† Rapin.

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A.D. 1680.

the two parliaments, a new scheme was set on foot by a section of the Whig party, to protect the nation against a Catholic king, without changing the succession. Burnet claims the merit of having originated this project; which was, that the duke should enjoy the title of king, but that all the prerogatives of the crown should be vested in his daughter and her husband, the Prince of Orange. The king approved of this futile expedient, and Lyttelton was brought into the government as a commissioner of the admiralty to support it. Hallifax, Nottingham, and Seymour agreed to it; and Burnet was deputed to propose it to the Whigs. They, however, probably looked upon it only as a stratagem to divide their party. Jones rightly perceived that its only effect, if adopted, would be to excite a civil war between the king and the regent—a war which the weight of a regal title and the well-known loyalty of the English nation would probably decide in favour of the former. Shaftesbury and Russell coincided in this opinion, and the party generally resolved to abide by their original determination, and to insist upon the exclusion.\*

Whether they were justified in refusing so large a concession has often been questioned; but those who have considered the character of the Duke of

\* Burnet; Dalrymple.

CHAP. York, and his conduct when invested with all the  
V. — powers of the monarchy, will find ample reason to  
A.D. 1680. approve their resolution and admire their foresight.  
James was certainly not a man to enact the mere  
pageantry of royalty, while another exercised all its  
important functions. Burnet's measure would have  
had the effect of tranquillizing the nation for a  
season, but its more remote consequence would  
doubtless have been what Jones pointed out—either  
an anarchy or a despotism.

A few days before the parliament met, another  
event occurred which had considerable effect upon  
the conduct of the Whig house of commons. One  
Fitzharris, an Irishman and a papist, had written a  
treasonable libel, which he showed to a man named  
Everard, who had been recently pretending to make  
discoveries concerning a popish plot. Fitzharris had  
been acquainted with this man in France, and now  
pretended a wish to make use of his assistance, in  
order to get his libel corrected and published.  
Everard, however, suspected that this was only a  
design to entrap him ; and when Fitzharris came to  
his lodgings to concert with him upon the subject,  
he took care to have a witness concealed, who might  
testify to all that passed. The libel was then produced  
by Everard, and read. Fitzharris being asked, accord-  
ing to previous agreement, whether it was drawn up  
according to his instructions, and from whom he was

to expect a recompence for the great hazard he ran in putting his hand to so dangerous a paper, answered that it was exactly drawn according to his instructions, and named the French ambassador as the person who would reward him. This paper was called “The True Englishman speaking plain English, in a Letter from a Friend to a Friend.” It is a violent exaggeration of the crimes of the Stuarts, and particularly of Charles and his brother. It hints at their assassination, by approving the fate of Charles I. and Laud, and rejoicing that “the false heart of their emissary, Buckingham, was found out by an assassin’s knife.” It openly calls to rebellion —“up all as one man,”—and shows that former kings of England had been deposed for far more venial crimes than those which attached to Charles.

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A. D. 1680.

It appears that Everard was right in his suspicions of Fitzharris’s designs. That person was patronised by the Duchess of Portsmouth, and by her agency had been more than once admitted to the presence of the king; he had at these conferences received small sums of money from Charles, and, in return he pretended to reveal to him the intentions of his enemies, and amused him with accounts of presbyterian plots. As there is no proof that Charles was himself privy to the project, we must suppose that Fitzharris, in despair of discovering such a plot as he had spoken of, resolved to invent one. The treasonable

CHAP. V. paper which Everard and he composed, was to have been conveyed through the post to each of the lords who had protested against the parliament meeting at Oxford; when the pamphlet was thus in their possession, they were to have been arrested, and the treason thus found among their papers would have been adduced in evidence against them.\*

A. D. 1680.

When Fitzharris, upon the information of Everard, was arrested, he pretended to make great disclosures concerning the popish plot; of a design to murder the king, in which the Duke of York was implicated, and of many other things equally extraordinary and more absurd. He intended by these means to make his peace with the Whigs, and to throw himself under their protection, and he hoped that the parliament about to assemble would put forth their power to shelter him from the vengeance of the king. This occurred as he had anticipated; but, although the attempt to protect this worthless man brought on the principal contest in the succeeding session, the success of the court prevented his escape.

\* State Trials.

## CHAPTER VI.

Meeting of the Oxford parliament—Exclusion bill—Fitzharris's impeachment—Loss of popularity sustained by the Whigs—Secret treaty with France—Dissolution of the Oxford parliament—Grey's history of the Rye-house plot—Designs attributed to the Whigs—Prospects of Charles and the Tories—Declaration of reasons for dissolving the two last parliaments—Reply of the Whigs—Their "just and modest vindication."

THE assembling of the Oxford parliament presented the spectacle rather of a military occupation of that city, than of the tranquil congregation of a national senate. The king entered, surrounded by his guards, and followed by a numerous train; an ostentatious display of force which was intended, said the Whigs, to overawe opposition and stifle the essential privilege of parliament—liberty of speech. To counteract such a purpose, they had recourse to similar measures. Each of the Whig members was accompanied by a deputation of his constituents, instructed to defend his person against the king's

CHAP.  
VI.

A.D. 1681.



CHAP. VI. popish guards. The citizens of London had again set the example to the rest of the nation, they surrounded their representatives with a numerous body of well-armed horse bearing ribbons and other emblems with mottoes expressive of their determination to resist popery and slavery. Thus prepared, the two parties took possession of the city of Oxford, each dreading or affecting to dread some violent attempt on the part of the other.

A.D. 1681.

The king, in his opening speech, complained of what he called the unwarrantable proceedings of the last parliament, and declared his resolution to be unchanged with respect to the succession, but he hinted at the expedient which had been suggested by Burnet, and declared his readiness to hearken to any method that could be devised to place the administration of the government in Protestant hands.

The unchanged temper of the commons immediately burst forth. Williams, their speaker, omitted the usual profession of insufficiency upon his election, and he was thanked by the house. On their second day of meeting, they entered upon the subject of the disappearance of the bill of repeal, and commenced a debate upon the Exclusion bill. On the 26th, notwithstanding the offers of the king, the original bill was ordered to be introduced. Sir Thomas Lyttelton pleaded for the expedient proposed by the king, and Sir Thomas Meres spoke on the same side; but Sir

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A.D. 1681.

Leoline Jenkins, who probably disapproved of the expedient of a regency almost as much as he did of the Exclusion bill itself, was silent. On the other hand, Russell, Hampden, Winnington, Capel, Birch, and Jones, with a host of names which are less known, appear in the debate. Of these, however, Jones took the place of honour; he answered the speech of Lyttelton in a manner which convinced the house, and the motion was carried apparently without a division.\* On the 28th, after a speech against it by Sir Leoline Jenkins, which no one thought worthy of an answer, and after a motion from him that it be thrown out, which no one could be found to second, the bill was read a first time.

The proceedings upon this bill were, however, concurrent with others of equal importance in their event. On the third day of the session, Fitzharris's case was brought before the house, and Sir William Waller, the concealed witness, gave his account of

\* "Someseven or eight disgusted lawyers and able speakers," says Reresby, glancing at Jones and Winnington, "joined by some others who had been so active in this matter, that they thought, should the duke ever come to the crown, he could never forgive them, wrought so prevalently upon the members in general that it was voted a bill should be brought in."

It is difficult to discover what these others should have to fear if the king was sincere in the expedient he offered; for one of the conditions of the duke's retaining the title of king was, that he should never come within 500 miles of Great Britain, but both they and Reresby evidently knew that these limitations were merely intended to serve a temporary purpose.

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A.D. 1681. the discovery. Sir Robert Clayton, who was one of the magistrates who took the prisoner's depositions in Newgate, intimated that Fitzharris had been removed to the tower, out of the jurisdiction of the city authorities, to prevent them drawing from him the disclosures which he seemed inclined to make. Winnington suggested that he should be impeached, as he would then probably disclose all he knew, and, upon his motion, a resolution to that effect was carried. An indirect insult was offered to the king, by naming Mr. Secretary Jenkins as the person who should carry up the impeachment, and Jenkins refused to go; upon a threat of commitment, however, he thought fit to apologize and comply.

When this impeachment was carried up to the lords the attorney-general acquainted their house, that he had received a command from the king to prosecute Fitzharris by indictment. This communication occasioned some discussion; the peers, the majority of whom were in the interest of the court, were anxious to reject the impeachment. Lord Nottingham, the leader of the Tory party in the house of lords, at last furnished them with an excuse. This nobleman had discovered a precedent which was considered to bear upon the point in question. In the fourth year of Edward III. that monarch had required the earls, barons, and peers, to give judgment against Simon de Bereford, as being an accomplice

in the treason of Roger, Earl of Mortimer. But they came before the king in parliament, and objected that the accused person was not their peer, and that they were therefore not bound to judge him. Afterwards, however, with the irregularity that so generally prevailed during these turbulent times, they received the charge and gave judgment against him,\* inserting, however, at the same time, the following curious protest and proviso upon the parliament roll: “ And it is asserted and recorded by our lord the king, and all the great men in full parliament; that, albeit, the peers, as judges of the parliament, have taken upon them, in the presence of our lord the king, to make and render the said judgment; yet the peers, who now are, or shall be in time to come, be not bound or charged to render judgment upon others than peers, nor that the peers

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\* The barons of this parliament were not so scrupulous upon other points. Although they refused to try De Bereford for some time, because he was a commoner, they did not hesitate to condemn his more powerful principal without suffering him to enter upon his defence. The rapacious tyranny of this paramour of the queen-mother, had incensed them so far beyond the bounds of moderation, that we can hardly look upon any

transaction of this period as a precedent for more peaceable times. It is well known that Mortimer was the contriver of the deposition and subsequent murder of the weak and unfortunate King Edward II. The enigmatical line in which the order for his assassination was conveyed, is a curious specimen of the jesuitical subtlety of the age:

“ Edvardum occidere nolite timere  
bonum est.”

CHAP. VI. of the land have power to do this, but thereof ought  
 A.D. 1681. ever to be discharged and acquitted; and that the  
 aforesaid judgment now rendered be not drawn to  
 example or consequence in time to come, whereby  
 the said peers may be charged hereafter to judge  
 others than their peers, contrary to the laws of the  
 land, if the like case happen, which God forbid."

From this precedent Lord Nottingham argued that the lords had no jurisdiction to try a commoner; and the house concurring with him in this opinion, rejected the impeachment, and voted that Fitzharris should be proceeded against at common law.

This principle is so dangerous, that, as Burnet rightly remarks, if it was good law it afforded a certain method to the court to be troubled no more with impeachment, by employing only commoners; yet if it be warranted by the case of Simon de Bereford it is undoubtedly good, since the judges, when the point was afterwards referred to them, decided that this entry upon the parliamentary roll is a statute.\*

The evident distinction, however, between the case of Simon de Bereford and that of Fitzharris, is that the former was a prosecution at the suit of the king, the latter was an impeachment by the com-

\* There could be very little doubt upon this subject, since the document expressly mentions the presence and assent of the king, the lords, and *all the great men in parliament.*

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mons. Where a peer is prosecuted by the crown for a felony, the house, of which he is a member, is the only tribunal by which he can be judged. Where a commoner is so prosecuted, he must be brought before the ordinary tribunals of the country. The commons, however, can only appear as prosecutors at the bar of the house of lords;\* and since the power of the commons to impeach is coextensive with that of the crown to prosecute, the opinion which exempted commoners from an impeachment evidently proceeds from a confusion of the two separate proceedings of impeachment and prosecution,

\* Blackstone thus states and defends this rule of law : " The articles of impeachment are a kind of bill of indictment found by the house of commons, and afterwards tried by the lords, who are, in cases of misdemeanors, considered not only as their own peers, but as the peers of the whole nation ; for though in general the union of the legislative and judicial powers ought to be more carefully avoided, yet it may happen that a subject intrusted with the administration of public affairs may infringe the rights of the people, and be guilty of such crimes as the ordinary magistrate either dares not, or cannot punish. Of these the representa-

tive of the people, or house of commons, cannot properly judge, because their constituents are the parties injured, and can therefore only impeach ; but before what court shall this impeachment be tried ? Not before the ordinary tribunals, which would naturally be swayed by the authority of so powerful an accuser ; reason therefore will suggest that this branch of the legislature, which represents the people, must bring its charge before the other branch, which consists of the nobility, who have neither the same interests, nor the same passions as popular assemblies."—Vol. iv., p. 260.

CHAP. which in the case of a peer become very similar.

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This is rendered more plain by the consideration that it had been an ordinary practice for the commons to impeach commoners for misdemeanors, and such impeachments had never been refused. Yet the statute of Edward III., if applicable at all to impeachments, would be equally so to all, whether for misdemeanors or capital crimes.

Sir William Blackstone seems to have been struck by the frequency of these precedents, and although he was inclined to give authority to this case of Fitzharris, he contracted the rule by saying, "A commoner cannot be impeached before the lords for any capital offence, but only for high misdemeanors;"\* a contraction utterly at variance with the statute, upon which alone any such rule can rest. But that accomplished but inaccurate lawyer has endeavoured to give effect to a decision which was an isolated exception to former and posterior cases, and which was dictated by the party feeling of the time. In the then recent impeachment of Chief Justice Scroggs the distinction was so unknown that it was never mentioned, although nothing could have been more convenient, both to the delinquent and his master, than such a plea to the jurisdiction of the lords; and it had doubtless escaped the learned commentator's

\* Commentaries, vol. iv., p. 259.

recollection, that the point had been since formally decided in the case of Sir Adam Blair and others, who were in the year 1689 impeached by the commons of high treason for having published a proclamation of James II. On this occasion the objection was taken, and a committee appointed to search for precedents upon the subject. After full deliberation the lords resolved to proceed upon the impeachments, notwithstanding the parties were commoners, and charged with high treason.\*

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The conduct of the lords in refusing to receive the impeachment of Fitzharris was therefore clearly unconstitutional. The commons protested against their injustice by several violent resolutions. They voted that that house had denied them justice, in violation of the constitution of parliaments, in obstruction to the further discovery of the popish plot, and to the great danger of his majesty's person and the Protestant religion; and they declared, that for any inferior court to proceed against Edward Fitzharris, or any other person lying under an impeachment in parliament, for the same crimes for which he or they stand impeached, is a high breach of the privilege of parliament.

These opinions were not without supporters in the other house. Similar declarations were made upon

\* Lords' Journals for 1689.—State Trials, viii.—Hatsell's Precedents, iv.



CHAP. the lords' journals by twenty-one peers, who signed  
VI. a protest, which clearly enounced and powerfully  
A.D. 1681. supported them.

These three subjects—the disappearance of the Repeal bill, the progress of the Exclusion bill, and the impeachment of Fitzharris, were all that engaged the attention of this parliament, and none of the debates were calculated to conciliate the king. But although the line of conduct pursued by the commons during this short session was apparently so hostile to his government, it had in fact materially facilitated his concealed design. By the large concessions which he had offered upon the subject of the Duke of York's concession, he had, in the opinion of many moderate men, placed the Whigs in a wrong position. The same class of persons, unused to enter with excitement into abstract questions of constitutional law, would condemn the violence with which they insisted upon their impeachment against Fitzharris, and their avowed intention of screening him from the ordinary courts of justice; and they would justly censure the factious spirit which could credit a witness who made his accusations under the terrors of a threatened death. The vehemence of the Whigs thus wrought a reaction throughout the kingdom, which, proceeding beyond the point of moderation, procured for Charles a temporary popularity. But he derived from these proceedings what

he considered a yet more important advantage. It was now long since he had tasted the golden fruit which France was always holding forth, as the produce of her friendship. Charles, who had so long dieted upon corruption, could restrain his appetite no longer. Before the parliament met he had commenced a negotiation with Barillon for a renewal of his forfeited pension. A very few days after their assembly the conditions were agreed upon. So iniquitous were these provisions that even Charles did not dare to put his hand to them, nor did he communicate them to any other person than Hyde.\* By this verbal compact Charles was to disengage himself by degrees from the Spanish alliance, to take measures to prevent parliaments from counteracting his engagements, or, in other words, to engage himself not to assemble one (this is Barillon's expression). In return he was to receive from Louis a pension of 2,000,000 livres for one year, and of 500,000 crowns for two others.† These conditions were doubtless obtained from the fears of Louis. That monarch dreaded that Charles would be compelled to submit in all points to his parliament, who

\* Now Lord Hyde. Even the Duchess of Portsmouth was kept in ignorance of the conditions, although she was aware of the existence of a treaty. The king desired this, giving as a reason, that if the

treaty should ever transpire, and she be blamed for it, she might have it in her power to assert her innocence with a safe conscience.

† Hume, vol. viii., p. 207; Dalrymple.

CHAP. VI. would then vote him a supply sufficient to raise the  
king of England from a contemptible petitioner to a  
A.D. 1681. powerful enemy. No sooner were the details of the  
arrangement agreed upon, than Charles abruptly dissolved his parliament, and three days afterwards Barillon wrote to his court that the verbal compact had been completed.

This parliament was dissolved on the 28th of March, after a session of eight days ; and Sir William Jones was addressing the house upon the subject of Fitzharris's impeachment, when the usher knocked at their door. The last parliament had had a quarter of an hour's notice of their intended dissolution ; this was to the last moment unconscious of its fate ;\* for although it was known in London the day before, and publicly declared at St. James's by the Duchess of Mazarine, so profound had been the dissimulation of the king, that no one of the Whigs suspected it when it happened, although, perhaps, many supposed that it was far off.† The following amusing account of the king's conduct upon this occasion, is given by Roger North : “ The commons complained that the

\* “ Just and modest Vindication of the two last Parliaments.”

† Having dissolved his parliament the king set off for Windsor in such haste, that his departure looked like a flight. It is said that when Prince Rupert joined

him the next day, he told him, “ Sire, by God's sacrament, you'll never have done following your father's courses until you come to the same misfortune.” — *Burnet's Memorial to the Princess Sophia*, p. 52.

convocation house was too straight for them to sit and transact in, and at their desire orders were given for the immediate fitting up of the theatre for their use. The king concerned himself much about the disposition of it, viewed the design, gave his judgment, and came in person among the workmen, and particularly on Saturday, 26th March. I had the honour of seeing him there, and observed his taking notice of every thing. Upon Sunday next his majesty was pleased, especially towards the evening, to entertain himself and his court with discourse of the wonderful accommodation the house of commons would find in that place, and by his observations and descriptions showed how it was to be. All this while the spies and eavesdroppers could find no symptom of a dissolution, but rather of the contrary, that the parliament was like to make a long session of it. The next morning, which was Monday, the king came to the house of lords, as he was wont, in a chair, and another chair followed with the curtains drawn; but instead of a lord, as was thought to be in it, there was only the king's robes. Thus they went and sat down in a withdrawing-room. When the robe chair was opened a gross mistake appeared; for the garter robes were put up instead of the robes of state, so the chair must go back with an officer to bring the right. A lord happening to be in the room, who was stepping out upon this discovery as

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CHAP. VI. they thought to give the alarm ; upon which those  
 A.D. 1681. with the king prevailed to continue his lordship in  
 the room till the chair returned, and matters were  
 fixed, and then he had his liberty. The black rod  
 at the house of commons door was the first cause of  
 suspicion in the house of commons. The reason of  
 this privacy was to prevent bad language, or worse,  
 in parting votes, as had happened upon the dissolution  
 of the former parliament ; and the precaution  
 was more reasonable, because, if any evil was ripe, it  
 might prevent the execution of it, or perhaps his  
 majesty had no mind to be troubled with too many  
 interposers, with their dark objections, as, Sire, what  
 do you mean ? Does your majesty consider ? First  
 think what will be the consequence, and the like ;  
 and I guess, besides weightier considerations, the  
 king desired to free himself from such kinds of  
 importunities.”\*

North’s intimation that the dissolution was effected  
 thus suddenly in order to prevent the execution of  
 some design which the Whigs were supposed to  
 entertain, indicates a suspicion, which, if any credit  
 at all is to be accorded to Lord Ford Grey, was not  
 destitute of foundation.

That nobleman afterwards declared that there  
 existed at this time a conspiracy, headed by Shaftes-

bury, and supported by other of the more violent men of his immediate party. Shaftesbury was sufficiently sagacious to perceive that the course of conduct pursued by the commons must very quickly incline the king to dissolve them; and he saw that the collision of the two houses, which the affair of Fitzharris's impeachment had occasioned, would furnish him with a plausible excuse for doing so. Expecting therefore a dissolution at no very distant day, he and his friends had, it is said, fixed upon this event as the moment when they were to proceed to measures of open resistance. It was arranged that, upon the declaration of the dissolution, the commons were to continue their sitting, and that those who were of their party in the lords should also remain. After this decisive step had been taken, they were to call together their armed attendants for their protection, and, if necessary, attack the king's guards—a proceeding which the universal odium cast upon this body would have rendered by no means unpopular, and which was the more feasible, since all the students of the university, who would otherwise have joined the king, had been sent away to make room for the members and followers of the court and parliament. Thus secure against a forcible dispersion, they might have assumed the powers of government, and re-enacted the scenes of 1641. But the suddenness of the dissolution destroyed

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these projects. The commons separated in astonishment; and although Shaftesbury kept his adherents together in the house of lords, under the pretence of signing that protest against the vote upon Fitzharris's impeachment, which has been already noticed, yet when they found that the commons had dispersed, they also made haste to depart, afraid, says the penitent conspirator, lest the king should come and pull them out by the ears.

This was one of the designs said to be entertained by the Whigs; another that was imputed to them was an intent to seize the person of the king, who said the inventors or promulgators of the report was so convinced of his danger, that he left Oxford immediately he had dissolved the parliament; slept that night at Windsor, nor considered himself in safety until he arrived the next morning at Whitehall. The latter of these stories rests only on the vague assertion, perhaps only on the credulous fears of the Tories, the former upon the circumstantial detail of Lord Grey, contained in the history of the Rye-house plot.\*

This pretended history of that plot is, however, entitled to as little credit as the vague rumours which were prevalent of the other design. Ford Lord Grey, of Werk, its author, was a man of the most

\* Sprat omits all mention of any such design.

abandoned private character, who had already been convicted of seducing his sister-in-law, Lady Henrietta Berkeley, under circumstances of great aggravation.\* His authority would, under no circumstances, be of much value ; but when we remember that this history was written by the command of James II., to whom his life was then legally forfeited, and that Lord Grey† had at that time become as notorious for his cowardice, as he was before infamous for his licentiousness and falsehood ; we shall, without hesitation, reject an account in which truth and falsehood are so interwoven, that it is impossible to separate the threads ; and which was, of course, dictated by the tyrant who was to reward him for his service. The story of this conspiracy was probably framed, in order to excuse the severities which intervened between the dissolution of this parliament and the invention of the Rye-house plot.

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\* See this case in the State Trials, vol. ix., p. 127. Lord Grey had employed the darkest treachery and the *most* dishonourable falsehood. The lady Henrietta was not 18 years old ; but her conduct throughout certainly displays an utter ignorance of shame and recklessness of character.

† He commanded the horse at the battle of Sedgemoor ; and by

taking to flight with his troops upon the first shock, lost that battle, and occasioned the holocausts of victims, which James and Jefferies immediately delivered over to the axe and the gibbet. Hume relies implicitly upon the authority of this “most full and authentic account” as he is pleased to call it.



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Charles having now dissolved his parliament, and guarded himself against the necessity of calling another, for the first time since his accession, saw before him the prospect of a bright and unopposed career. "Now," said the Tories, "we begin to have a prospect of halcyon days."\* To keep alive the spark of loyalty which existed in his favour, he published a declaration to his subjects of his reasons for dissolving his two last parliaments. The topics of such a document it is unnecessary to mention, since they have been already abundantly descanted upon as the circumstances occurred. After reckoning up all the points of opposition in which he had been foiled by the vigilance of the commons, he, however, concludes by assuring his people with deliberate falsehood, "that nothing should ever alter his affection to the Protestant religion as established by law, nor his love to parliaments, for he would still have frequent parliaments."

Charles was now possessed of nearly absolute power; but he ventured upon a dangerous task when he attempted to defend his usurpations with the pen. His declaration did not go unanswered. The joint labours of Algernon Sidney, Sir William Jones, and Mr. (afterwards Lord) Somers, produced an answer which Ralph rightly characterizes as cer-

\* Reresby, 122.

tainly the most judicious and important pamphlet that the Whig party had ever put forth, and without reading which, the state of the controversy between the two factions cannot be understood.\*

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In this answer, it is argued from internal evidence, that the declaration was the production not of the king or of his ministers, but of the French ambassador; and it is stated that three days before it was known to the privy council, Barillon read it to a gentleman, and demanded his opinion about it, "which his excellency," says the pamphlet, "will the better remember, because of the great liberty which the person took in ridiculing it to his face."

The heats which the declaration complains of are rightly attributed to the conduct of the king, and the violence of the Oxford parliament is naturally accounted for by the abrupt dissolution of the former one. "The court," said this Whig manifesto, "never did yet dissolve a parliament in a heat; but they found the next parliament more averse, and to insist upon the same things with greater eagerness than the former. English spirits resent no affronts so highly as those which are done to their representatives; and the court will be sure to find the effects of that

\* This tract is called "A Just and Modest Vindication of the two last Parliaments," it is re- printed in the appendix to the 4th volume of the Parliamentary History.

CHAP. VI. resentment in the next election. A parliament does ever participate in the present temper of the people."

A.D. 1681. The pamphlet declares that this declaration would make but few converts, not only because the king denounced as high crimes what the whole kingdom had been celebrating as meritorious actions, but because the people had learned by experience the faith which was to be placed in such documents. They are reminded of the manner in which the declaration of Breda had been fulfilled; and a more recent example is adduced in the declaration which was made upon the formation of the new council. The king had thus recently owned that he was sensible of the ill posture of his affairs, and the great jealousies and dissatisfaction of his subjects, whereby the crown and government was become too weak to preserve itself—dissatisfaction which proceeded from his use of a single ministry and of private advices; and therefore he professed his resolution to lay them wholly aside for the future, and to be advised by those able and worthy persons whom he had then chosen for his council in all his weighty and important affairs. "Every man must acknowledge," remark the Whig leaders upon this declaration, "that either his majesty has utterly forgotten this public and solemn promise, or else that nothing weighty and important has happened from that time to this very day."

The declaration had insisted much upon the offers made to the last parliament ; it dwelt much upon his speech, the expressions of readiness to satisfy his subjects, to secure them against all their just fears, and to comply with every thing proposed to him to accomplish those ends, as far as would have been consistent with the very being of government. The answer is, that whatever the house of commons addressed for, was certainly denied, though it was only for that reason, and there was no surer way of entitling oneself to the favour of the court, than to receive a censure from the representative body of the people. “The government might have subsisted,” answers the Vindication, “though the gentlemen put out of the commission of the peace for their zealous acting against the papists had been restored ; nor would a final dissolution of all things have ensued, though Sir George Jefferies had been removed out of his public office, or my Lord Hallifax himself from his majesty’s presence and councils ; and had the statute of the 35th of Queen Elizabeth, which had justly slept for 80 years, and of late been unseasonably revived, been repealed, surely the government might still have been safe. Thence the writers pass to a detailed defence of all the acts of these parliaments. The numerous committals of persons, not members of the house, are sought to be justified as steps preliminary to impeachments,

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VI. rized by numerous precedents.

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The vote which forbade any person to lend money to the king, secured by an anticipation of his revenues, is more capable of defence. No country (it is remarked) ever believed that the prince, how absolute soever in other things, had power to sell or give away the revenue of the kingdom, and leave his successor a beggar. The writers draw many instances from history in which such grants have been resumed. France, England, Rome, and even Turkey, are called forth for examples ; and they sarcastically add, when speaking of the Roman emperors, “ Tacitus remarks that the first of them who looked upon the public treasure as his own, was Claudius, the weakest and most sottish of them all.” The Exclusion bill is defended as necessary, and the limitations offered contemned as mere specious delusions. The general charges are indignantly repelled, and Charles and his advisers are told that he is the first king and they the first ministers who have ever dared to characterize the commons as a faction, and to denounce them as such in all the churches of the kingdom. “ This we may affirm,” says the Vindication, “ that if the success of this parliament did not answer expectation, whoever was guilty of it, the house of commons did not fail of doing their part. Never did men husband their time to more advantage : they opened the eyes of

the nation ; they showed them their danger with a freedom becoming Englishmen. They asserted the people's right of petitioning ; they proceeded vigorously against the conspirators ; discovered, and heartily endeavoured to take away the very root of the conspiracy. They had before them as many great and useful bills as had been seen in any parliament, and it is not to be laid to their doors that they proved abortive. This age will never fail to give them their grateful acknowledgments, and posterity will remember them with honour."

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## CHAPTER VII.

Effects of the declaration and the reply—Strength of the Tories—Tory addresses—Trial of Plunket—Of Fitzharris—Persecution of the Whigs—Trial of College—Committal of Shaftesbury—Practices of the court to procure evidence—The association paper—The grand jury throw out the bill—The Shaftesbury medal—Dryden's Polish medal—Abhorrrers—Affair of the corporations—Contest in the election of sheriffs.

CHAP. VII. THE publication of this pamphlet, admirable and unanswerable as it was, and as all moderate writers  
 A.D. 1681 to 1684. have admitted it to be, produced little effect in the nation.\* The king's declaration was published from every pulpit in England, and the clergy were not wanting in zeal to enforce its statements in declamatory harangues against the parliaments it complained of. The power of the Whigs was broken, their leaders were dispersed, and the parliament, their only

\* Burnet.

legitimate arena, was no more. Under these circumstances, even a small number of Tories, supported by the power of the court, could make a very imposing demonstration of loyalty. But this party, although outnumbered by the Whigs, was still numerous and powerful throughout England. They counted in their ranks the great majority of landed proprietors, and all the holders of offices at the disposal of the crown; and, as the parliament was accustomed to return an address in answer to the speech from the throne, so also they agreed that it was proper, since the king had appealed to the people, that they should return an answer to his declaration. The scene of the year before was re-enacted. Those who had then come forward as abhorrrers, now appeared as addressers. Every society, city, and town, contained a Tory party, and from each of these came an address, which was more or less acceptable, in proportion as it simply approved the dissolutions, or entered more violently into the points of discussion; condemning the Exclusion bill, arraigning the commons as guilty of treason and sedition, inveighing against the non-conformists, and thanking the king for not passing the Repeal bill.\* All were received with kind words, but the presenters of addresses of the latter class were commonly knighted, encouragements which

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\* See Gazettes for this year, *passim*.



CHAP. VII. were found so efficacious, that in a short time there  
 A.D. 1681<sup>st</sup> to 1684. was scarcely a town in England which had not sent  
 up its address; and, at last, so greedy was the king  
 of these unmeaning protestations, that the law  
 students, the undergraduates, and even the appren-  
 tices, were received as addressers at court. Lord  
 Hallifax estimated these empty sounds at their proper  
 value, and spoke of them in a contemptuous phrase  
 which became current in the nation. Others of  
 Charles's advisers, who possessed any penetration,  
 held a similar opinion, but the addresses at least  
 constituted an appearance of popularity, and that was  
 all that Charles or his ministers at present required.

During all this excitement, Plunket, the Catholic  
 primate of Armagh, was tried for a pretended popish  
 plot in Ireland. Plunket was a loyal and peaceable  
 man, who enjoined obedience to the existing govern-  
 ment, and applied himself diligently to the duties of  
 his station; his accusers were abandoned and dis-  
 graced Irish priests, who had been censured for their  
 debaucheries by the man they now accused, and  
 whose contradictory testimony had already been re-  
 jected by a grand jury of zealous Protestants.\* His  
 innocence, however, was no protection. Plunket  
 was convicted; and Charles, although fully con-  
 vinced that he had been unjustly condemned, con-

\* Burnet.

sented to his death. The royal politician was afraid of checking the loyalty of his high church supporters; the true explanation of his brother's remark upon a similar occasion, that he went into these measures to prevent worse.\*

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After the execution of the innocent titular archbishop, came the well-earned punishment of Fitzharris. This man pleaded his parliamentary impeachment; but his objection being overruled, he had little further chance of escape. He produced the Duchess of Portsmouth and Lord Howard as witnesses upon his trial; but their evidence only showed that he had been employed and rewarded by the king, and threw an early suspicion upon the sincerity of Howard's co-operation with the Whigs.† Fitzharris was justly convicted. After he had received his sentence, this man, who was originally a court spy, then a traitor to his employers, a witness for the popish plot, and an accuser of Lord Danby, now made another attempt to save his life by offering to turn his ready testimony against the Whigs. The king received the offer with his usual policy. He drew from him a written denial of all he had said implicating the court, and a charge of subornation against the sheriffs, and then left him to his fate. Some letters which he had written to his wife took

\* Macpherson.

† State Trials.

CHAP. however all credit from this document; and when  
 VII. these became known their purport was so evident,  
 A.D. 1681 that Charles, having obtained them from her by the  
 to 1684. promise of a pension, and having rewarded Dr. Hawkins, his agent in this matter, with the deanery of Chichester, was content to let the matter drop.\*

The loss of all political influence was not the only misfortune which the Whigs now endured. Charles, while the prospect of absolute power was yet distant, could disclaim all wish to tyrannize over his subjects, or (to use his own words), to sit like a grand seignior and sentence men to the bowstring; but no sooner did he obtain the opportunity, than he evinced a cruelty and heartlessness which proved him capable, under favouring circumstances, of rivalling any of these despots. This man now, in the words of Rapin, “became as sanguinary as he had hitherto appeared merciful, and as soon as he had power in his hands made his enemies feel the most terrible effects of his vengeance.”

This vengeance was the more dreadful, since it was executed with the forms of justice, and under the sanction of the law. Its ministers were hired perjurers, packed juries, and prostituted judges—instruments of wholesale murder—ever-ready to seize the victim whom the nod of their master should point

out for destruction. While Charles was discoursing familiarly with his courtiers upon the impossibility of the existence of the popish plot,\* and of the infamy of the witnesses by whom it had been proved, he was taking measures to withdraw these very witnesses from the side on which they had hitherto sworn, and to array them against those who had supported their testimony. It was not enough to humble the Whigs, their leaders must perish upon the scaffold, their party must be annihilated. Charles had learned that a false plot was the most popular excuse for judicial murder, and one was soon framed upon the model of that of Oates, but with this material distinction, that although many good men had joined in the prosecution of that plot, yielding undoubting credit to the witnesses, it was impossible that the present employer of those witnesses should believe one of the falsehoods which they came forward to swear. The king followed his model, and commenced with a humble victim.

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This was Stephen College, a joiner by trade, but a man of an active and violent spirit, who, elated by some notice which had been taken of him by Monmouth and other of the popular leaders, had made himself so conspicuous in the opposition to the court, that he had obtained the name of the Protestant

\* Reresby.

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joiner. Dugdale, Tuberville, Smith, and the already infamous pack of Irish witnesses which supported them, accused this man of participating in a plot to seize the king, and change the form of government. The very fact of these witnesses turning so suddenly round, and swearing in concert to transactions so foreign to their usual province, would have been of itself sufficient to open the eyes of those who had before believed them; but, besides this suspicion, their testimony was so incoherent, and the facts sworn so notoriously false, that the Middlesex grand jury at once threw out the bill.\*

Charles, however, was not to be thus foiled. College was one of those who had accompanied the city members to Oxford, and while at that city he had doubtless indulged in many indecent expressions concerning the king. It was not difficult to suggest to the witnesses that any treason which he may have committed in Oxfordshire would remove him from the protection of the Middlesex juries, and bring

\* For this Wilmore the foreman was arbitrarily apprehended, committed to the tower, and afterwards obliged to leave the kingdom.—*Kennett*, vol. iii., p. 499. North declares that this person was convicted of kidnapping men, and sending them to the plantations; but he pretty clearly inti-

mates that this was a court accusation, when he says, "Whereof the consequence is, that Mr. Wilmore, and every one else of his bold usurpation, must look to their hits; for if they may, they will be caught napping."—*Examen*, 580. See also *Coke's Detection*, vol. ii., p. 300.

him before a more convenient tribunal. It was immediately discovered that his journey to Oxford was made in furtherance of the plot, and thither the trial was removed. North, the compliant and therefore successful rival of Sir William Jones, was sent down to Oxford; and the trial which ensued exhibited a scene of gross and shameless injustice, which the annals of this reign, fruitful as they are in such examples, cannot parallel.

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Previous to his trial, the papers which had been prepared for his defence were taken away from him by order of the king's counsel; his prosecutors thus not only put themselves in possession of the grounds of his defence, but also prevented him from taking those objections to the form of his indictment, which he had been advised were tenable. When College complained of this to North, and demanded their restitution before he would plead, that judge insisted upon his first pleading either guilty or not guilty, declaring first, that he had not taken his papers, and then that he had no right to have them. "How comes any body to give you papers?" he asked. "Nobody can solicit for one that is under an accusation of high treason, unless he be assigned so to do by the court;" and this reply was made, although North well knew that West had been assigned to the prisoner as counsel, and Aaron Smith as attorney, by the king and council, probably for the very pur-

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pose which had just been attained. Well might College reply, "God have mercy upon any man that is so accused then; for it is not possible for him to make his defence, if he cannot be at liberty to look after it himself, nor any of his friends permitted to do it for him."

The evidence exhibited Dugdale, Tuberville, Smith, and Haynes, swearing for the first time against a Protestant. Oates, more consistent in his villany, appeared for the defence; and, could we listen for a moment to any thing which such a man might swear, we should say that, by his testimony alone, the perjury of the prosecuting witnesses was abundantly proved, and that that testimony was confirmed by the most pregnant probabilities. Oates taunted Tuberville with having changed sides. The answer of the attorney-general is worthy of the rest of the proceedings of this day. "Mr. Oates," was the reply, "Mr. Tuberville has not changed sides, but you have; he is still an evidence for the king, you are against him."\* This was eminently a party prosecution. So violent was the rage of the Tories against the accused, that it was proved upon the trial, and admitted by the high sheriff, that among those who had pressed forward to be placed in the

\* Oates's reply was worthy of a better man. "I am a witness for truth, against falsehood and sub-ornation."—*State Trials*, vol. viii. p. 639.

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jury box, one had been so indiscreet as to declare that he had sworn to convict him, right or wrong. College defended himself with more skill and intrepidity than his prosecutors had expected; standing alone, a humble and illiterate man, with all the authority of the bench, all the eloquence and learning of the crown lawyers, and all the prejudices of a partial jury arrayed against him, he yet made a struggle for his life, which would have done honour to men much more highly esteemed. He cross-examined the prosecutor's witnesses with considerable acuteness; and Dugdale, the principal evidence against him, was so thoroughly destroyed, that he never again was produced in a court of justice. He examined his own witnesses with great tact, and elicited from them such strong circumstances in his favour, that Sir George Jefferies found it necessary very often to remind the jury of the rule of law, which did not allow an oath to be administered to witnesses for the defence. "Gentlemen, it is Mr. Oates's saying; it is Mr. Tuberville's oath."

When the jury returned their predetermined verdict of guilty, College received his sentence with unshaken constancy. He merely inquired the day of his execution, and was answered that he should have notice to prepare himself. He had from the 18th to the 31st of August. "The true reason," says Sir John Hawles, solicitor-general to Will. III.,



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“of so long a reprieve, was to see how the nation would digest the matter, and whether the man, by terror of death, could be prevailed upon to become a tool to destroy other innocents; but when it was found that the people were quiet, and that the prisoner could not be prevailed upon to do an ill thing to save his life, his execution was ordered; yet, as a show of mercy, his quarters were permitted to be buried—a favour he slighted by saying that he cared not whether he was eaten up by flies or worms. The constancy of College at his execution was such, that it made the most violent against him relent.”\*

The execution of College was followed by the prosecution of the Earl of Shaftesbury—a step which at once discovered with what rigour the king was determined to use his newly-acquired power. On the 2d of July this nobleman was taken from his residence, Thanet-house, in Aldersgate-street, and carried before the king, who had arrived from Windsor that morning, purposely to preside at his examination. Shaftesbury found that the witnesses who had procured the condemnation of College; had now deposed to a series of improbabilities against him. It was in vain for him to demand to be confronted with these accusers; but he pointed out the utter impossibility of his having ever spoken treason, or concocted rebellion, with men so vile and worthless as

\* State Trials, vol. viii., p. 746.

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these notoriously were. He appealed to the lords of the council individually, whether they believed one of the depositions that had been sworn against him, and justly observed, that if they did they must think him worthy to become an inmate rather of Bedlam than the Tower. This, however, was not the place for a successful defence. Shaftesbury was committed to the tower, and Hallifax, his determined enemy, declared that there was fully sufficient evidence against him to bring him to the block.\*

Macpherson, in his *Life of James II.*,† states, upon the authority of that prince, that Shaftesbury was hooted by the populace as he was led to the tower; but this improbable statement is contradicted by Mr. Martyn, who says, probably upon the authority of Stringer's MS., that crowds of people followed him, saluting him with good wishes and prayers for his prosperity. One of them (he adds) crying out, "God bless your lordship! and deliver you from your enemies." Shaftesbury replied with a smile, "I, my friend, have nothing to fear; rather pray to God to deliver them from me."‡

Shaftesbury indeed was tolerably confident as to

\* Reresby.

† Macpherson, vol. i., p. 124.  
The authenticity of this life of James has been well canvassed by Mr. Fox (see his "Historical Frag-

ment," p. 26). He calls it "an imposture as impudent as Ossian itself."

‡ *Life of Shaftesbury*, vol. ii., p. 288.

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the result of this prosecution; he was secure of a favourable jury; he was safe in the infamy of his accusers; and his habitual caution made him laugh at the eagerness of the court to seize his papers. His usual cheerfulness did not forsake him in his confinement. A few days after he was committed, he was accosted by one of the popish lords who still remained in the tower. This nobleman affected surprise at meeting the chief of his persecutors in such a situation. "I have lately," replied Shaftesbury to the taunting question of what had brought him thither? "been indisposed with an ague, and I am come here to take a little jesuit's powder."\*

But although Charles had placed this his most violent and restless enemy in confinement, he was not prepared with evidence which would convict him before a Middlesex jury, and he had recourse to every contrivance to delay the trial, until he could discover or suborn evidence against him. Shaftesbury was no less active. He made incessant endeavours to obtain his liberty under the habeas corpus act, but every judge to whom he applied discovered

\* *Memoirs of the Life and Death of the Earl of Shaftesbury, in the Harleian Miscellany.* James II., however, asserts that Shaftesbury was upon this occasion so terrified, that he offered, if set at liberty, to remove to his colony of South Carolina, and never again return to England; but that his petition met with no notice. Sir Richard Bulstrode mentions the same circumstance, probably upon the authority of James.—*Memoirs*, p. 332.

some excuse for refusing him the writ. He indicted the witnesses who had made the depositions against him, and the justice who had received them, for perjury, and subornation of perjury. But Pemberton at the Old Bailey refused to hear the indictments read; and Sir William Smith at the Middlesex sessions having heard them, adjourned the court, in order that the clerk of the peace might have time to mislay them. They could never afterwards be found.\*

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The court hoped that they had discovered the witness, of whom they were in quest, in the person of Captain Wilkinson—a brave and faithful cavalier during the civil wars. Shaftesbury was one of the proprietors of the newly-founded colony of North Carolina; and he had appointed this gentleman governor of that place. Wilkinson, however, who had experienced little gratitude at the hands of the court, became involved, by the detention of the vessel in which he was to sail, in expenses which he could not pay, and, probably by the contrivance of the government, he was thrown into prison. When thus apparently at their mercy, the agents of the king plied him alternately with threats and promises, to induce him to accuse his benefactor. They offered him an estate of £500 a year if he consented; and

\* Martyn, vol. ii., p. 297.

CHAP. VII. they threatened to include him in the indictment if he refused. But Captain Wilkinson was a man of honour; he indignantly repelled their offers, and he defied their threats. The authority and ingenuity of the lords of the council were alike useless; and he replied to their angry sarcasms by publishing to the world an account of the practices to which he had been subjected.\*

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The reason given by Booth, the agent in this attempt at subornation, for the anxiety of the prosecutors to procure evidence from Wilkinson was, that as yet they had but the Irish witnesses, who would not be believed, and that they wanted a man whose credit was unimpeached to support their testimony. With this battered crew, however, the crown lawyers were now obliged to proceed to trial, and they presented to the grand jury an indictment charging Shaftesbury with a participation in the same imaginary conspiracy for which College had already suffered.

On the 24th of November, the grand jury returned by the Whig sheriffs, but consisting of some of the most eminent merchants and citizens of London, took this bill into consideration. The preparations

\* "The information of Captain Henry Wilkinson of what passed between him and some other persons, who have attempted to pre-  
vail with him to swear high treason against the Earl of Shaftesbury."  
—London, 1681.

made, and the concourse of people assembled, sufficiently marked this trial to be an important party struggle. Contrary to all ordinary precedent, the jury-men were assembled in open court, and the two chief justices presided. The proceedings commenced with a contest between the judges and the jury. The latter demanded a copy of their oath, and finding that it obliged them to secrecy, objected that a public examination of the witnesses would not only be contrary to right and custom, but would also involve a breach of that oath. The judges overruled the scruple, and they proceeded; but not before they had recorded a protest against the line of conduct pursued.\*

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The names of the witnesses were already familiar to the public as prosecutors of the popish plot and accusers of College, but the words they swore to were generally vague and indefinite as to any purposed treason. Haynes, whom College had already proved to be a mere hack perjurer, swore that Shaftesbury had told him, that unless the king would grant Haynes and others a pardon, he would raise all England against him; and, among other things equally preposterous, that he had said the Duke of Buckingham had as good a right to the crown as any Stuart in England. Smith and Tuberville, men not less infa-

\* State Trials, vol. viii.

CHAP. mously notorious, deposed to similar expressions.  
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to 1684. The two Macnamaras had heard Shaftesbury threaten to bring Charles to the block; and Booth came somewhat nearer to the plot, by trying to connect Shaftesbury with a treaty which he pretended to have entered into with Wilkinson, whereby he was to become one of a body-guard of fifty men which was to accompany the earl to Oxford, and to assist to seize the king's person and overpower his guards.

The infamy of these men was notorious, and the supposition that Shaftesbury should converse upon treasonable topics with instruments so vile, was an improbability too glaring. The crown lawyers relied with more confidence upon a paper which had been found among those which were seized when Shaftesbury was first arrested. It will be remembered, that during the sitting of the last Westminster parliament, various collateral securities had been proposed for the protection and execution of the Exclusion bill. Among these was a bill for associating all the Protestants in the empire in a league or association, which should have for its object the execution of the provisions of that bill, and by which all the members of the projected body were to engage to resist the accession of a popish king. During the agitation of this bill, many projectors were, doubtless, besieging the leading Whig members with drafts of schemes and models upon which the intended association should

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be formed. It was apparently a neglected document of this description which had fallen into the hands of Sir Leoline Jenkins, and which was now produced. That it was drawn up during the sitting of parliament is evident, since by it the members of the association were to bind themselves, that, lest their just and pious work should be anywise obstructed or hindered for want of discipline and conduct, or any evil-minded person under pretence of raising forces for the service of the association, should attempt or commit disorders, they would follow such orders as they should from time to time receive from that parliament whilst it should be sitting, or the major part of the members of both houses subscribing the association when it should be prorogued or dissolved, and obey such officers as should by them be set over them in the several counties, cities, and boroughs, until the next meeting of that or another parliament, and would then show the same obedience and submission unto it and those who should be of it.

According to the axiom of our law, which declares that the king never dies, this is doubtless a treasonable paper, since it declares a conspiracy to levy war under particular circumstances against a king of Great Britain. But the prosecutors failed to fix this treason upon Shaftesbury. It was found, indeed, among his papers; but this was the only connexion they could show between it and the earl. None of



CHAP. VII. the witnesses knew in whose handwriting the paper was, but it certainly bore no mark of Shaftesbury's pen. No correction proved that it had ever been perused by him, and no signature that it had been intended as an original document. It had, in fact, all the appearance of what it doubtless was, a project submitted by some zealous partisan to his chief, which had been received, carelessly thrown by, and forgotten.

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The grand jury having severely examined the Irish witnesses, and having heard the evidence by which this paper was sought to be fixed upon Shaftesbury, retired from the court, and soon after returned and presented the indictment with their endorsement—" Ignoramus."

This result was communicated by a burst of applause to the crowds which thronged all the avenues to the court. The acclamations were caught up outside, and for an hour\* the air rang with the plaudits of the assembled multitude. The citizens indulged in excess of joy, and as it grew dark, bonfires throughout and around the city notified the escape of the destined victim, and celebrated the triumph of the people.

In the present depressed state of the Whig party, this was no trifling success; it was commemorated

\* Letter in the State Paper office quoted by Sir John Dalrymple.

by a medal, bearing the bust and title of Shaftesbury, and on the reverse, a sun obscured by a cloud rising over the tower and city of London, the date of the rejection of the bill, and a motto, "LÆTAMUR."

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This medal which was struck by Bowen, became rapidly disseminated throughout the kingdom; the Whigs wore them as the distinguishing badge of their party; and the Tories could read, in the frequency of their appearance, the force and confidence of their opponents. The acquittal of Shaftesbury seems to have changed for a moment the relative situations of the parties, to have introduced dejection among the triumphant Tories, and to have inspired confidence into the humbled Whigs. The press now teemed with the most rabid denunciations against what they called the reign of Ignoramus. The tracts of this time exhibit all the noisy violence of a furious and defeated party. They had the field nearly to themselves, for the court had early taken the precaution to send a messenger, accompanied by the wardens of the stationers' company, to the several printing-houses, commanding them to publish nothing in defence of the Earl of Shaftesbury, or in justification of the "Ignoramus," which set him at liberty. Benjamin Harris, the Whig publisher of the day, did indeed put forth occasional pamphlets on the other side, which have descended to us in Lord Somers' collection; but they are probably more accessible

CHAP. now than they were at the time of their publication,  
 VII. when they required to be circulated with secrecy,  
 A.D. 1681 and received and read with caution.\*  
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But none of the Tory party felt the humiliation so acutely as their head and leader, Charles. Cheated of his victim, he exclaimed with the bitterness of disappointed vengeance, "It is a hard case that I am the last man to have law and justice in the whole nation!"† The triumph of the Whigs and the fearless manner in which it was celebrated, were particularly galling; the open exhibition of the medal was a continued insult. Foiled in his expectation of terminating his differences with Shaftesbury by the axe, he now condescended to use the pen. Dryden had once been considered a supporter of the Whigs, so much so, that in a satirical pamphlet written in ridicule of Shaftesbury, whom the Tories accused of having hoped to be elected King of Poland, when John Sobieski was chosen, Dryden is placed among the state officers of the newly-elected king.‡ I need not say that Charles's laureat

\* Francis Smith had already been heavily fined for printing one of Lord Shaftesbury's speeches, under the title of "The Speech of a noble Peer," see it in Somers's Tracts. Shaftesbury disavowed it, and it was subjected to the then fashionable method of controvert-

ing inconvenient statements. It was burnt by the hands of the hangman.

† Reresby.

‡ From this conceit, and an abscess which arose from an accident, and rendered it necessary for him to be tapped, came the

was no longer a Whig, his Absalom and Achitophel had already proved the extent of his powers of satire; and it was Shaftesbury who had already been the subject of his lash. “If I was a poet,” said the king to Dryden one day as they were walking in the Mall, “and I think I am almost poor enough to be one, I would write a poem upon the subject of this medal.” Dryden took the hint; his satire of “The Medal” soon after appeared, and the king was so delighted with its severity, that he rewarded him with a present of a hundred broad pieces.\*

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The Whigs had no champion whom they could place in the lists against Dryden; they followed, indeed, the advice which he gave them in his dedicatory letter, and railed at him abundantly; but the poet added, “Not to break a custom, do it without wit;” and the Whigs obeyed the whole of the injunction.

This defeat sustained by the court, called forth another of those demonstrations, then so fashionable with the Tories. Addresses, by which obscure individuals obtained a momentary notoriety, and the authorities of country towns were received with smiles at court, could not but be popular among the class whence they proceeded. Those who had commenced

most usual of Shaftesbury's nicknames, Count Tapski. See this pamphlet in Lord Somers's Tracts.

\* Spence.

CHAP. VII. as abhorrrers and persevered as addressers, now became abhorrrers again. Immediately after the verdict of the grand jury in Shaftesbury's case, the gazettes are crowded with expressions of pious abhorrence of "that most execrable and traitorous designed association," which was discovered in that nobleman's closet. Among these abhorrrers, the university of Cambridge as usual, bore away the palm of courtly subserviency. Confessing their inability to judge upon political matters, this body, nevertheless, without hesitation, pronounced Shaftesbury and his associates traitors. But they claimed a greater authority upon theological points, and exerted it by declaring that they were atheists as well as traitors. For themselves, they confessed that their lives and fortunes both depended upon the king's royal protection ; and they concluded, in that true style of eastern hyperbole which seems so natural to slavery, with a prayer, that there might never want one of Charles's royal line in the *unalterable right of succession* to sway the sceptre so long as a sun and moon should endure.\*

This disgraceful document did not, however, speak the sentiments of the majority of the Tory party: with all their hatred of the Whigs, the papists, and the nonconformists, the Tories still retained the spirit of

\* Gazette, No. 1709.

Englishmen. Amid the expressions of that loyalty which formed so conspicuous a feature of their creed there occurred occasional hints of suspicion and distrust, which could not be unnoticed by an acute and observant monarch. Nearly all the addresses assumed that a new parliament was about to be assembled, and promised to return loyal members for the place whence the address came. The declaration of the grand jury of Exeter, is careful to recite that "His majesty has been graciously pleased, so often to repeat his will and pleasure to support and maintain the true reformed religion as now established by law, his resolution (as he shall see occasion) to call frequent parliaments, and to govern according to the known laws of the land,"\* and relies upon these assurances as proper grounds of confidence. The great majority of these documents, however, apparently servile, contain similar intimations; and Charles might have read in them an indirect repetition of those very addresses for a parliament which the Tories had before disclaimed with abhorrence.

There are some of these addresses, however, in which I can discover no such reservation. Those from the Temples show how judiciously Charles had bestowed the law patronage he possessed, and how

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\* Gazette, No. 1693.

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entirely the creatures of the court monopolized the government of these societies. The view taken by the Middle Temple of the functions of a jury, does as little credit to their judgments as lawyers, as the rest of their address does to their sentiments as Englishmen. "Whosoever promoted that rebellious association, designed by the paper produced, by refusing upon full evidence to find bills of indictment against the authors and promoters thereof, and thereby, as much as in them lay, preventing their being brought to a fair trial, have, in a high measure, perverted the laws, and could have no other design thereby than to usurp to themselves an arbitrary and tyrannical dominion, not only over your subjects, but over your majesty also."\*

Such was their declaration in defiance of the notorious fact, that there was no evidence whatever to convict Shaftesbury of being the author of this treasonable paper, or a promoter of any association such as it projected.

The address of the Inner Temple is penned with admirable coolness. It urged Charles "to proceed to remove all those obstructions which have or may prevent the bringing of disaffected and evil men to suffer that exemplary justice they have most notoriously deserved."

\* Gazette, No. 1696.

With regard to the majority of these addresses, Mr. Sidney\* was right when he wrote of them to the Prince of Orange, as mere noise, signifying nothing.† But this suggestion of the Inner Temple was pregnant with meaning. The city of London had hitherto stood firm and unassailable, high above the reach of the flood of royal wrath which swept around it and overbore every meaner barrier; but now this last stronghold of liberty was to be destroyed.

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With no parliament to withstand its encroachments, and with a bench of corrupt judges ready to register all its edicts, the crown was now become irresistible. Charles usually had recourse to his lawyers for some plausible disguise for a projected injustice. Upon this occasion they were not wanting either in zeal or ingenuity. Saunders, the most profound lawyer and the most profligate man at the bar, was the author of a new doctrine of law, that the slightest irregularity in the proceedings of a corporation worked a forfeiture of their charter. This dogma was certainly at variance with many decided

\* Afterwards Lord Rodney—*Dabr. App.*, pp. 1 to 11.

† Burnet says that "they were generally believed to be penned by the clergy, among whom the duke's health was always drunk

with shouts and huzzas, to which another health 'To the confusion of all his enemies,' was commonly added."—Vol. i., p. 509 (excerpted passage).



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precedents, and was supported by none. The exact question now propounded had never before been agitated. It was now heard for the first time. But this was something in its favour, since, as no private person had ever been insane enough to contest such a point, it had never received a direct contradiction. It could be supported by some few arguments from analogy; what proposition can not? But above all, it was willed to be law at court: any means were justifiable, any rule of law was good, in the eyes of the king, which would reduce this stronghold of rebellion, and destroy the last refuge of those who still defied his power. London at his feet, the Middlesex juries packed at his pleasure, the corporations throughout the empire, then the citadels of the Whigs, garrisoned by Tories, who should then dare to resist him?

\*The authorities of the city were accordingly served with a writ of *quo warranto*—a process which required them to appear before the court of King's Bench, and show by *what authority* they exercised the functions of the offices they claimed to hold. During the contests between the petitioners and abhorers, the city had presented a strong petition\* for the meeting of parliament, and they had imposed a trifling tax upon sellers resorting to the public markets, in order to defray the debt they had in-

\* This petition is printed in the Somers Tracts, vol. viii., p. 144.

curred in rebuilding them after the fire. These were the two delinquencies charged upon the city. Whether the acts were in themselves illegal is of little importance; if the proposition now contended for was law, and every irregularity worked a forfeiture of a corporation's charter, there could be no doubt that abundance of informalities might be discovered among affairs so extensive and involved as those of the corporation of London.

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More than a year was consumed by the preliminary proceedings. When the case grew ripe for argument, the king found it necessary to make some alterations in the bench of judges by whom it was to be tried. North, who had been chief justice of the Common Pleas, had, upon the death of the Earl of Nottingham, obtained the seals. Pemberton, the chief justice of the King's Bench, was slow to be convinced of the validity of the new principle of law propounded by Saunders: he was therefore removed to the seat which North had vacated: Saunders succeeded him, charged with the task of protecting and giving strength to his own offspring. Dolben, one of the puisne judges, was found to have some doubts upon the point: he was dismissed, and Withens, a ready convert, who had the further merit of having been persecuted by a house of commons, was appointed in his stead.

The preliminaries being thus adjusted, and the

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bench judiciously packed, early in 1683 the case came on for argument. The point has since then been so authoritatively decided, that it is unnecessary to notice the arguments by which the charter was attacked and defended. Finch and Sawyer on behalf of the crown, conducted the contest with an ingenuity which all lawyers admire ; but Treby and Pollexfen in reply, adduced argument and authority by which none but a corrupted tribunal could fail to be convinced.

On the 12th of June the court were assembled to give judgment ; the chief justice was however absent. He had been struck with apoplexy a few days before ; he sent in his judgment in writing, and died either that day or the day after.\* Jones, therefore, pronounced the judgment. It was that a corporation aggregate might be seized ; that the tax levied by virtue of the by-law was extortion, and a forfeiture of the franchise of being a corporation ; that the petition was scandalous and libellous, and the making it and publishing it a forfeiture ; that the act of the common council was the act of the corporation ; that no cause had been shown to excuse or avoid these forfeitures ; that therefore the information had been well founded ; and therefore that the franchise should be seized into the king's hands. The entry of the

\* State Trials, vol. viii., p. 1264. were made," remarks Burnet, in  
" Upon which great reflections an excerpted passage, p. 535.

judgment was, upon the motion of the attorney-general, respited until the king's pleasure should be known. —

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Thus fell the privileges of the city of London. The issue of this contest was sufficiently demonstrative of the absolute power which the king now held ; for if a body so powerful and wealthy as the united citizens of the metropolis of his dominions could not withstand his violence, who could hope to do so ? If those prostituted engines of tyranny—his courts of justice—were powerful enough to crush *them*, against whom could they be expected to fail ?

The judgment was not entered upon record, lest, upon the dissolution of the corporation, certain tolls might be construed to cease which were now their prescriptive property, but could not be regranted by the crown.\* Charles was contented to await the submission, which he doubted not this exhibition of his power would produce.

The citizens were not ignorant that their only hope was now in unconditional obedience. A contrite petition was immediately penned, and presented by the mayor, aldermen, and common councilmen, to the king in council. It expressed sorrow for their past transgressions, and was profuse in promises of loyalty and obedience for the future. The answer

\* North.

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was delivered by Lord Keeper North. It was not the policy of the king to destroy the corporation—remodelled it would be as useful an instrument in his hands, as it had proved formidable when its power was exercised against him. The conditions now offered were such as exactly attained this purpose, without any unnecessary interference with their powers or privileges.

They were told that if they accepted the conditions proposed to them, their charter would be re-granted and confirmed ; if they refused them, judgment would be immediately entered up upon the *quo warranto*. These conditions were—

That no lord mayor, sheriff, recorder, common sergeant, town clerk, or coroner of the city of London, or steward of the borough of Southwark, should be admitted to the exercise of their respective offices before his majesty should have approved them under his sign manual.

That if his majesty should disapprove the choice of any person to be lord mayor, the city should, within a week, proceed to a new choice ; and if he should disapprove the second choice, that he might himself nominate a person to be lord mayor for the ensuing year.

That the king should have a similar power over the choice of sheriffs, and right to appoint after two disapprovals.

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That the mayor and aldermen might, with the leave of the king, displace any alderman, recorder, common sergeant, town clerk, coroner, or steward.

That the court of aldermen should have a negative upon all elections into their body, and might themselves elect after two negatives. And

That the justices should be appointed by the king's commission.\*

When the deputation returned with these conditions, a common council was immediately held, and a violent debate ensued, whether the city should enter into this compromise, or rather suffer all its privileges to be torn away by violence. Even in the present hopeless state of the Whig party, the resolution to consent to the conditions passed only by a majority of 18. The division being 104 to 86.†

This principle of law having been thus established, and the metropolis having succumbed before it, its triumph over the rest of the kingdom was scarcely opposed. The corporations, from the antiquity of their charters, which rendered the qualifications for their offices moderate in the specie of those days, were chiefly in the hands of the middle classes, and

\* North's Examen.

† Burnet—State Trials—Ralph 717. The effect of these changes are easily conceived. There can scarcely be a better instance of it

than the fact of Jenkins, the most active agent in causing them, being made soon after master of the Salters' Company.—*Wynne's Life of Jenkins*, vol. i., p. xlvi.

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these in cities and trading towns, have almost invariably adopted the Whig code of politics. These were now threatened or persuaded into surrendering their charters, and as there were few who could hope that they had been guilty of no irregularity, Charles soon placed the government of these important places in very different hands, and reserved to himself the power of interference whenever he might deem its exercise necessary. The judges were as conspicuous in obtaining these illegal surrenders as they were in every other deed of tyranny which marks this reign.

Sir George Jefferies is, as usual, eminent, even among such zealous competitors as these. During his progress upon the northern circuit he performed the instructions of his master so well, that North\* boasts that he made all the charters, like the walls of Jericho, fall down before him, and he returned from his mission laden with surrenders, the spoils of towns.

In tracing this celebrated cause to its conclusion, I have omitted a circumstance which occurred while it was yet pending, and which gave the citizens ample notice that they were to expect even absolute force and violence, if no other method could be devised for their subjection. At Midsummer, 1682, upon the day of election of new sheriffs, it had been

\* Examen, 626.

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for some months resolved by the court, that a decisive effort should be made to put an end to what the Tories called the reign of Ignoramus. It has been already mentioned, that it was an ancient custom of the citizens of London to allow the lord mayor to choose one of the sheriffs by publicly drinking to him. This custom, which had been recently broken, Sir Leoline Jenkins determined to re-establish. The lord mayor, who would preside at the election, was Sir John Moor, a weak and flexible man,\* once a sectarian, afterwards, when he aspired to be a civic dignitary, a conformer, and now a worshipper of the court and a tool of Jenkins.† The king himself stooped to flatter this man, and by intoxicating his vanity excited in him sufficient courage to serve his purpose. Moor, at the close of the interview, pro-

\* North whimsically likens this man to the primitive Christians, "who were no less meek and humble in behaviour and conversation, than valiant and resolved in their profession."—*Examen*, 620.

† Burnet, 529. Jenkins had the chief management of this crusade against the corporations. His conduct with regard to the city was the less excusable, since he did not himself approve even the expediency of the violent measures to which he himself had recourse.

In Wynne's Life there is a letter from him to the Duke of York, in which he distinctly disapproves the proceedings, although he attempts at some length to prove their legality. This seems, in fact, the principal end of the memorial. His dissuasion is very tame, and and he concludes by professing that he shall, nevertheless, submit to his majesty's and his royal highness's wisdom. He faithfully fulfilled this profession.—*Wynne's Life of Jenkins*, vol. ii., p. 685.



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mised to drink to any person whom the king should name, and to insist upon his right of election. It was still difficult to find a citizen, with any pretensions to respectability, who would suffer himself to be thus set up. Those to whom the ministers applied declared their intention to pay the usual fine rather than be made the instrument of oppressing their city, and risk the ruin which must fall upon them should their title be held bad, since they would then be liable to actions for every process they executed.\* The family of the Norths, however, so fruitful in admirers of prerogative and place, supplied the king in this time of need. Mr. Dudley North, a Turkey merchant, brother to the lord keeper, offered himself for the occasion, and his services were readily accepted.

Sir John Moor, when the day came, fulfilled his pledge; he drank to North, and sending the goblet round to him with the usual formality, that person signified his acceptance of the appointment, and was presented to the common hall for confirmation. This the liverymen thus assembled refused; upon the side of the court it was contended, that the ceremony of drinking to the person proposed was not a mere nomination agreed to from courtesy, but a valid election authorized by prescriptive right. It was said that the choice of the sheriffs belonging to the

\* Examen.

citizens, subject to their confirmation by the mayor, it had been always understood that the mayor should elect one in return for confirming the citizens' choice of the other.\*

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The citizens, however, appealed to their charter, whence alone they had the right of election at all; by this it clearly appeared that the election of the sheriffs was granted to the citizens of London; and they contended that whatever customs had crept in among them, the right still lay where the charter had lodged it.† The confirmation by the mayor was, it was said, a mere ceremony; that functionary was bound to receive and confirm their choice as the king received and confirmed him when presented by the citizens. On Midsummer-day the point was contested with great violence. The sheriffs were considered to be the officers who presided over the common hall, as the mayor did over the court of aldermen. They now put the election to the pole, and the mayor's candidate was quickly found to be destitute of supporters among the liverymen. Upon this, the mayor who was present, assumed the presiding officer's power, and adjourned the court.‡

\* North.

† Burnet.

‡ The mayor retired, and heard counsel first as to his right to ad-

journal, Pollexfen for the citizens, and Sawyer in opposition to them.

The timorous nature of Moor kept him a long time irresolute,

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The sheriffs contended he had no power to adjourn, and they continued the poll. Every thing remained quiet, the poll was carried on with the usual forms ; and Papilion and Dubois, the popular candidates, were chosen by immense majorities. The mayor, however, now rendered desperate by the extent to which he had already committed himself in the service of the court, declared the election illegal. He himself opened a poll, to which none were admitted unless they first agreed to vote only for one candidate, and to admit his nomination for the other. By this means the court of course obtained the nomination of both sheriffs, since no elector would vote for one who was not equally ready to vote for any other that might be pointed out to him. The mayor's poll consisted of a very contemptible minority ; but that did not prevent him from swearing his candidates in, and leaving the others to their legal remedy. The violence, however, did not end here ; Sir Ralph Box, who had been chosen by the court as a colleague to North, was not inclined to risk his fortune upon so doubtful a title, he paid the usual fine. A new com-

he was afraid of personal violence ;  
at last, urged on by the aldermen,  
and reassured by the promises of  
protection which he received from  
Whitehall, he suddenly started

up, saying, " If I die, I die," and  
ordering the officer to bear the  
sword before him, went down and  
pronounced the adjournment.

mon-hall was therefore to be held, and Sir Peter Rich was to be the new court candidate.

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When the liverymen were thus assembled, and the multitude was anxiously expecting the commencement of the proceedings, they were confounded by the declaration that Rich had been elected without opposition. He had been proposed in a whisper by some one near the mayor; the persons who purposely surrounded them, had carefully concealed the proceedings until they were concluded. The election was now complete; all appeal was, of course, useless. To complain against Charles's agents in the city, to his agents at Westminster,\* was worse than useless. Rich and North remained sheriffs; and from Midsummer-day 1682 Charles could pack the London and Middlesex juries with the same facility as he could those of the other parts of his kingdom.

\* This, if any proof was wanting, was made sufficiently clear by the fact that a prosecution was immediately commenced against the two sheriffs, Pilkington and Shute, who continued the poll, for a riot. They, and all who were active upon the occasion, were convicted and fined.—*State Trials*, vol. ix. When Sir William Pritchard, the next lord mayor,

was required to swear in Papilion and Dubois, and refused, he was arrested in an action upon the case for such refusal; but the time for such demonstrations was gone by, he brought an action for the false imprisonment, and recovered £10,000 damages. The citizens were not ignorant that their lives as well as their privileges depended upon these elections.

## CHAPTER VIII.

Intrigues in the cabinet—Supremacy of the Tories—Designs of the Whigs—Resistance contemplated—The Rye-house plot—Accounts of it—Grey's—Sprat's—Shaftesbury's activity—Disappointment and flight—Anecdote concerning Lord Howard—Its authenticity and importance.

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A. D. 1682. WHILE the metropolis trembled before them, the cabinet, conceiving themselves secure from all attack from without, began to quarrel among themselves. Hallifax, the only man of great talent among them, who had sacrificed his principles and his popularity in the king's service, conceived himself entitled to some higher reward than he had yet received. The creatures of the court were the first to feel the poverty of the king, and the inconvenience of the stoppage of parliamentary supplies. Hallifax discovered that his rival, Hyde, now Earl of Rochester, had taken advantage of his station to embezzle about £40,000 in farming a branch in the

revenue ; and he brought forward the charge in council, as one which must find favour with an indigent king and a hungry court. Halifax had, however, miscalculated his strength. Hyde was the confident of the last money treaty with France ; he was the inseparable ally of the Duke of York, and the client of the Duchess of Portsmouth. These powerful personages, immediately this charge was made, forgot all the accuser's services ; the eloquent destroyer of the Exclusion bill became immediately as odious to the court as he was hated by the people ; and although the practised hypocrisy of Charles enabled him to conceal any change of sentiment as long as he designed to make use of the individual, Halifax knew and said that his influence was gone.

The hatred between Halifax and Rochester had commenced a short time before upon the following occasion : the Earl of Sunderland, whose attempts to ingratiate himself with the parliament, by favouring the Exclusion bill and discountenancing France, had been successful, had, of course, incurred a proportionate loss of reputation at court. After the dissolution, he had been dismissed ; but the Duchess of Portsmouth, who had been his coadjutor in these measures, remained faithful to him in disgrace ; and by her influence, assisted by that of Lord

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Rochester, he was now reinstated in his office of secretary.

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Rochester's interference was hotly resented by Hallifax, who, although brother-in-law to Sunderland, hated that nobleman with an acerbity which was not uncommon to the supercilious peer. This was the cause of the rupture which ended in his discomfiture. Rochester, Sunderland, Jenkins, and North, soon afterwards made Lord Guilford, now formed a cabinet, in which we may contemplate unalloyed and primitive Toryism.

The prospect of the nation under the rule of these men was hopeless beyond precedent ; it appeared that nothing less than a revolution could restore the constitution, or even save the lives of those who had combated against its destruction. Now, therefore, when all the bounds of the limited monarchy were struck down—when all those restrictions which the constitution had placed around a king of England were burst asunder—when the royal arm was bared to strike, and none knew where its desolating violence would be stayed—now, for the first time, the nation began to entertain designs of an armed resistance. This was not a single project, formed by a particular body of conspirators, having a specific object to be attained by already concerted means : it was a general conviction which pervaded the whole body of the Whigs—a conviction which was shared

alike by the moderate and the violent of the party, and which unconnected individuals drew from the circumstances around them—that the time had now arrived when obedience was a crime, when life, liberty, and property, were no longer safe, and the calls of patriotism, and the duty of self-preservation, alike urged to resistance.

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The consultations which ensued were, in their origin, their scope, and their designs, dissimilar as the tempers of the men by whom they were held. Violent and unscrupulous individuals entertained ideas which every Whig who possessed either influence or character would have repelled with horror. The obscure remnant of the roundhead party, chiefly composed of the lowest and most reckless of the people, saw no remedy for any grievance so effectual as the death of a king : their conversation, therefore, was of assassination and a republic. The more scrupulous Whigs who had no wish against the monarchy, were fettered by their constitutional principles, and were therefore irresolute what exact object to propose, although they agreed with the others in contemplating violence ; and some of them, perhaps, meditated an attack upon the king's guards. These independent conceptions of insurrection, all existing among men united in opposition to the Tory government, as they widened in their circles, touched, and in some degree coalesced. It after-



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wards became the policy of the government to treat them all as one connected plot, and to attribute to all the Whigs, intentions which were entertained only by a few desperadoes, who found access to the leaders of that party, only because these were ignorant of their wild designs.

No reader is ignorant that we are now arrived at the period of the Rye-house plot, but there are few points of our history which are more difficult exactly to unravel. We have here, as in the depositions of Oates, positive testimony to the most absurd improbabilities, and we have also undoubted facts which prove, beyond all question, that a plot existed.

It is a singular fact that the two contemporaneous histories of this plot are written by two of the most worthless men of the two opposite parties. Of Grey's history I have already spoken; it may here be dismissed with the remark of Mr. Fox, that "to call that narrative an authentic account, " is an insult to common sense."

There is another history published under the title of "A true Account and Declaration of the horrid Conspiracy against the late King, his present Majesty, and the Government, as it was ordered to be published by his late Majesty." This was written by Dr. Sprat, afterwards made Bishop of Rochester for his pains. The authority of this account might very fairly be questioned from the extravagant praises

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lavished upon it by North. He labours to convince us that this production is the perfection of all historical writing, and that Sprat had written his book with consummate skill, both to attract contemporary readers and to convince posterity. “As to the present time he has drawn forth the relation of the facts with a purity of style and exactness of oratory, in order to meet with the prejudices of the age, and persuade the people that the government had the reason and justice of their side, and the faction the contrary; and this was more like to be done, if by neat writing the people were invited to read his agreeable relation. Then on the other side as to posterity, that his beautiful style might not make the truth of the history suspected, there are annexed at the end all those original examinations, remaining there as records, which none had ever the face to gainsay, to vouch the truth of it; and for this reason, that relation, with its appendix, will be accounted as a riches in the English history for ever.”

The history of the author of this most perfect work affords a specimen of political profligacy difficult to be equalled. Living in a most eventful age he attached himself so consistently to the power of patronage, that we never, upon a single occasion, find him opposed to those who held it. He commenced as a suitor to the protector, and one of his first literary efforts was a copy of eulogistic verses,

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lamenting the death and celebrating the *virtues* of that extraordinary man. After the restoration he took orders, and became chaplain to the Duke of Buckingham—a piece of preferment which we may presume was merely nominal. His courtly disposition found, however, opportunities to display itself, for he was soon after chosen chaplain in ordinary to the king ; and as his merit became more known, he was rewarded with a prebendal stall at Westminster, and afterwards a canonry of Windsor. Now he composed his history of the Rye-house plot. Charles, daily more sensible of his worth, raised his faithful servant to be Bishop of Rochester and Dean of Westminster. The latter station gave the eulogist of Cromwell an opportunity of showing the sincerity of his repentance, by refusing admission into the abbey of a tablet to the memory of John Milton.\* Sprat was clerk of the closet to King James, and one of his ecclesiastical commissioners. He was employed in drawing up that monarch's thanksgiving, when the queen was supposed to be pregnant, and was probably associated with Sancroft, in inditing the form of prayer used by James against the Prince of Orange. A few weeks later he signed the declaration in favour of that prince ; and in January 1689, he was twice employed by the lords to draw a form

\* Symons's Life of Milton.

of thanksgiving for the great deliverance of the kingdom from popery and arbitrary power, and a particular prayer for the Prince of Orange.\* The rest of his life was spent in writing letters in exculpation of his former conduct, and claiming credit for opposition to measures which every one knew him to have promoted with ready zeal. At his death it was found that he had, with posthumous hypocrisy, declared in his will, that his poor store had been gathered always by ways honest, fair, and honourable; not by any mean or undue methods of heaping riches, which, in the several advantages of his condition in this world, his soul had always abhorred; and he praises the Lord, that, in an age of so great corruptions, temptations, and prevarications, he had still kept his integrity, and God had made him firm and steady to the faith, doctrine, discipline, and true interest of the church of England.”†

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Such was the author of the other history of this plot—a history avowedly written under the superintendence of Charles, and published with the imprimatur of James. Of the narrative itself there can be but one opinion; that it is destitute of authority, and unworthy of notice. After the revolution, when

\* Kennet, p. 496. Sprat was one of the Toms mentioned in the ballad upon that occasion.

“ Two Toms and Nat,  
Together sat,  
To hammer a thanksgiving.”

† Kennet, 341, note.

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it became Sprat's interest to extenuate this performance, he declared that James had, previously to the publication, called for his papers, and having altered them in divers places, they were then printed by his order. Whether in making this assertion Sprat deviated into truth it is unnecessary to inquire. If James did revise and alter this history, it is of course unworthy of any credit; if he did not, its credibility is not increased, since it then relies upon the word of a man convicted of having falsely asserted that he did.

The papers which form the appendix give it however an appearance of authenticity. These are forgeries. Oldmixon, speaking of the performance, after calling it a romance, and stating that the office was first offered to South, remarks, "South's conscience could not go Sprat's lengths; for when King Charles II. desired him to write the fable of the Rye-house plot, which his majesty called a history, South, after he had read all the papers the king had to show him, refused the work, saying, 'These papers were all copies, and no legal proof, and unless his majesty had better evidence he would not meddle with it;' as Dr. Prideaux, late Dean of Norwich, told a gentleman (M.P.) of that city, from whom I had it."

The original documents connected with this plot having been thus interpolated and corrupted by the king, for such is the inevitable conclusion from this

passage of Oldmixon, and the published accounts of the trials having been no less impudently altered by the judges, we have no indubitable authorities upon the subject, but must be contented to receive our impressions from those historians, who are the least liable to the imputation of having been unduly influenced.

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The restless spirit of Shaftesbury, inured to the atmosphere of revolution, had been foremost to conceive and to enter upon a scheme of insurrection. This nobleman had from his influence, his activity, and his persecutions, become not only identified in action with the Whigs, but also the chosen chief of all the most violent members of their party. Always residing in the city, and always carefully courting popularity, he had now obtained the implicit confidence of the citizens. He had agents in all parts who zealously sustained the dissatisfaction which raged among them, and who brought him frequent reports of the strength of the malecontents, and of the numbers which were ready to rise at his signal.

The names of these men became soon afterwards well known. Rumsey, an officer during the Commonwealth, and still a republican; West, a lawyer, witty and bold in conversation, but without principles, either in politics or religion; Ferguson, who printed and circulated Shaftesbury's pamphlets; Holloway, a merchant of Bristol; and Goodenough,

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a man who had some influence in the city, from having held the office of undersheriff, while the sheriffs were yet chosen by the citizens. These were the chief of Shaftesbury's tools ; the last was the most trusted, and perhaps the least discreet, since he appears not only to have freely divulged to his intimates what he had been told by his principal, but to have scattered also among them any falsehoods which he thought calculated to infuse confidence into the rabble with whom he was in connexion.

During the contests about the sheriffs, Shaftesbury had been eager to strike the blow ; he applied to many of the Whig noblemen for assistance, and spoke of seizing the tower as an easy exploit. They, however, better acquainted with the difficulty of the undertaking, or less confident of the support of the people, refused to sanction the project, and he was most reluctantly compelled to restrain his own and his adherents' ardour. When North and Rich became sheriffs the situation of Shaftesbury was desperate. Afflicted and debilitated as he was by a complication of diseases, he was compelled to leave his house, and to seek security in disguise and seclusion. No care could, however, protect him long against the industry of Charles's agents ; and, knowing that, he became furious in his eagerness to precipitate his party into a war : his notions were wild and imprac-

ticable, and his friend, Lord Essex, said of him, that fear, anger, and disappointment (and perhaps disease) had wrought so on him that he was much broken in his thoughts.\*

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The agitation of Shaftesbury was by no means without reason. He alone was connected with the operative part of any formed conspiracy. His secret had been intrusted to so many, that every hour's delay increased the probability of discovery, and he was living in momentary danger of being seized by the emissaries of the court. Monmouth, who had hitherto been ruled by him in all things, and who had looked up to him as the man who was to seat him upon the throne, now placed himself under the guidance of the Earl of Essex. That nobleman refused to act until some certain prospect of success offered, and Russell expressed a similar determination.

Shaftesbury, unable to attend the consultations of his party, made one more appeal to them through an agent; he proposed numerous risings in distant parts of the city; he offered to lead the first party himself; and, jesting upon his infirmities, said they knew he could not run away, but he preferred rather to die at the head of a people fighting for their liberties than to perish on a scaffold. When they replied

\* Burnet, vol. i., p. 587.



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to this appeal, by enumerating the improbabilities of success, he broke out into invectives against them. He said that Essex had made his peace, and was to return to Ireland as lieutenant; that Monmouth had been sent among the party by the king, whose only object was to keep the nation quiet until the court had gained its point, and between them Lord Russell was deceived. For himself, he said, the papists should never triumph over him, whatever they might over them; and that he was afraid he should leave them to be ultimately haled away in triumph to gaols and gibbets, and to die by the axe and the halter.\*

Having taken the resolution to quit a country in which death alone awaited him, he, at the latter end of November, 1682, after a farewell interview with Essex and Salisbury, who approved his intention,† quitted London disguised as a presbyterian minister. Contrary winds detained him for eight or ten days of harassing suspense at Harwich, where he met with several adventures. He was singularly fortunate in making his escape, for he was pursued so closely, that having dressed two of his servants in habits similar to that which he himself wore, and sent them off by different boats, one of them was arrested before he could reach the ship. This stratagem alone baffled pursuit.

\* Burnet, vol. i., p. 537. Martyn's Life of Shaftesbury, vol. ii., p. 320.

† Burnet.

So stormy was his passage, that several vessels which sailed in company were lost, and the fatigue of the voyage so far increased the violence of his habitual disorder, that he died about two months after his arrival.\*

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Thus died Shaftesbury, a man of ambition so insatiable that he could belong to neither party, of genius so powerful that he must be an object of deep interest to both. Alternately an ally of each, he would act entirely in concert with neither; and when, at last, he quitted England, it is difficult to determine whether his friends or his enemies felt the more rejoiced at his departure.†

An anecdote is related in Martyn's life of Shaftesbury, concerning the flight of Lord Shaftesbury, which may contribute in some degree towards the elucidation of the prosecutions which afterwards took place. It is related thus: "Lord Shaftesbury's resolution of going abroad, which was quickly formed, and as quickly executed, was owing to the following circumstance: Lord Mordaunt, afterwards Earl of Peterborough, had, at his first appearance in the world, conceived a great respect for Lord Shaftesbury, who, being much delighted with the uncommon

\* Martyn's Life of Shaftesbury, vol. ii., p. 390.

land, but added that he had done them already a great deal of mischief.—*Burnet*, vol. i., p. 537.

† Lord Essex said he was glad Shaftesbury was gone out of Eng-

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spirit and vivacity which he perceived in him, took pleasure in conversing with him, and giving him advice ; this the Earl of Shaftesbury did in such a friendly manner, that Lord Mordaunt was affected with it, became frequent in his visits to him, and always communicated what intelligence he could discover. Lord Mordaunt, to push his interest at court, had entered into an intimacy with the Duchess of Portsmouth. One afternoon as he was drinking tea with her, word was brought that the king was coming in, and that he was already upon the head of the stairs. The duchess, to hide his lordship from his majesty, locked him up in a closet. While he was there, his curiosity induced him to kneel down and look through the keyhole, so that he saw every thing that passed between the king and the duchess. But instead of the familiarity which he expected, Lord Howard of Escric entered the room about five minutes after the king : a conversation of two hours ensued, but so low, that Lord Mordaunt could not hear one word of it. As soon as the king and Lord Howard were gone, the duchess released him, and after staying a short time, he begged to be excused a longer visit, having earnest business that would permit of no delay. As soon as he went down, he got into a hackney-coach, drove directly to Lord Shaftesbury, and told him what he had seen. Lord Shaftesbury looked earnestly at him, and desired him

to repeat it ; after Lord Mordaunt had done so, the earl rose from his seat, and embracing him, said, ‘ My lord, you are a young man of honour, and would not deceive me ; if this has happened, I must be gone to-night.’ Accordingly he left the house he was concealed in without delay, and in a few hours it was searched by the king’s messengers.”\*

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This anecdote is taken from Mr. Stringer’s manuscript,† which, as was before observed, formed the

\* Martyn’s Life of Shaftesbury, vol. ii., p. 327.

† When the life of Shaftesbury passed through my hands to the press, I was not aware of the authority upon which this anecdote rested, and therefore regarded it with distrust. Since that time, I have been favoured by the present earl with a copy of the passage in the MS. at St. Giles’s, upon which it rests. Although it varies very slightly from Martyn’s version. I subjoin it here :

“ Lord Shaftesbury’s very sudden departure from England was occasioned by certain information which he received of Lord Howard, having had a long interview with King Charles at the Duchess of Portsmouth’s house. Lord Mordaunt, afterwards Earl of Peterborough, was an intimate

and attached friend of Lord Shaftesbury ; he was drinking tea with the Duchess of Portsmouth when word was brought that the king was at the bottom of the stairs ; the duchess concealed Lord Mordaunt in a closet, from whence he could see every thing that passed through the keyhole. Instead of the familiarity which he expected, Lord Howard arrived about five minutes after the king, and a conversation followed, which lasted two hours, but in so low a tone, that Lord Mordaunt could hear none of it. As soon as the king and Lord Howard were gone, the duchess released Lord Mordaunt from the closet, who, pretending urgent business as a cause for leaving her, went immediately to Lord Shaftesbury, and told him what had

CHAP. basis of Mr. Martyn's work. The objections which  
 VIII. occur to its authenticity are, that it would appear  
 A.D. 1682. probable, that had Shaftesbury made so important a  
 discovery, he would immediately have communicated  
 it to the other lords, who would have broken off all  
 connexion with a suspected traitor. We have, how-  
 ever, seen that Shaftesbury when disappointed in his  
 expectations of their concurrence in his projected  
 insurrection, became indignant at their timidity, and  
 even doubted their sincerity. He died soon after  
 his arrival at Amsterdam, so that he might possibly  
 have had no opportunity of communicating his sus-  
 picions, and he might have deemed the information  
 of less importance to them, since he doubtless knew  
 that Howard had not yet been received into *their*  
 confidence. Mr. Stringer's anecdote is certainly  
 somewhat at variance with Howard's testimony upon  
 the trials of the Rye-house conspirators ; but this  
 will be deemed a very trivial objection, and that lord  
 even admitted upon those occasions, that Shaftesbury  
 had, after an interview with him, changed his place

passed. Lord Shaftesbury thanked him in the warmest manner for his intelligence, and told him that he must leave the house in which he was concealed without delay ; he accordingly did so, and in a few hours it was searched by the king's messengers. Lord

Shaftesbury, after taking an affectionate leave of his countess and friends, left London the following night in disguise, accompanied by his confidential gentleman, Mr. Whulocke, who was also in disguise, and passed for his nephew."

of concealment previous to leaving England, and that he was not intrusted with the secret whither he had removed.

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In other respects it bears every mark of probability. Even so early as the trial of Fitzharris,\* it appeared, from unquestionable evidence, that the king had employed that person to gain over Lord Howard; and that, in consequence of the overtures made to him through Fitzharris, he had had two interviews with the king. Howard insinuated that these interviews terminated fruitlessly. Whether a man, whom Sidney (upon his trial) describes to have been without five shillings in the world, and whose after conduct proved him to be utterly destitute of manly or honourable feeling, would be *likely* to refuse the royal offers, it is not difficult to determine.

When we consider these circumstances of probability, and add the excellent sources of information to which Mr. Stringer had access, and the high estimation in which he was held, there appears no longer any reason to doubt the truth of the anecdote.

If true, it establishes the important facts that Howard was now the spy of the king; that all the subsequent councils of the Whigs were known to Charles as soon as they were formed; and that he was there-

\* State Trials, vol. viii.

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fore acquainted with the exact circumstances out of which the Rye-house plot was afterwards fabricated, and was aware of the falsehood of the charges upon which so many men afterwards suffered. It behoves us now to inquire what those councils were.

## CHAPTER IX.

Councils of the Whigs—Members of the council of six—West and his associates—Connexion of the two cabals—Meeting at Sheppard's—Discovery of the meetings—Depositions of Keeling—West and Rumsey's discoveries and inventions—Trial and execution of those who were denounced—Discovery of the council of six—Arrest of Lord Russell—Of Algernon Sidney—Conduct of Lord Howard.

ALTHOUGH the chiefs of the Whigs had refused to risk the lives of their followers in the rash designs of Shaftesbury, they had not renounced all intentions of resistance. Algernon Sidney was now an active participator in their councils ; by his persuasive address he had obtained great influence over the Earl of Essex, he implicitly guided the Duke of Buckingham, and even Monmouth submitted to his tutelage.

It was the misfortune of the Whigs of this age that they were obliged to act in concert with men whose violence, both in principles and in action, pre-

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cipitated them often into imprudent, and sometimes into unjustifiable measures. Sidney was one of these —honoured as his name is among patriots, and excellent as he was as a man, his presence was a misfortune to the Whigs. His avowed maxim was, that he who draws his sword against a prince, should throw away the scabbard; and his connexion with Monmouth did not prevent his ridiculing the pretensions of that aspirant, and declaring, that if the nation was to be governed by a king, it was the same to him whether that king was James Duke of York, or James Duke of Monmouth. Sidney's acquaintance with Monmouth, and consequently his full admission into those councils in which that nobleman took so prominent a part, he owed to Lord Howard of Escric. His republican spirit had revolted from the idea of seeking the acquaintance of the duke, and he could feel little cordiality for one who was trying to attain an end the very opposite to that which he himself had in view. Lord Howard, however, brought them together by a stratagem, and the enthusiastic republican\* seems to

\* The testimony of all his contemporaries pronounce Sidney to have been a firm republican; and although a contrary opinion has been sometimes advanced from some passages in his "Discourses on Government," these are not

sufficient to throw any doubt upon the subject. He says indeed in one place, "If I should undertake to say there never was a good government in the world that did not consist of three simple species of monarchy, aristocracy, and de-

have entertained some hopes of converting the duke. Sidney had probably been attracted to Howard by the sentiments he expressed in conversation. Howard was a bitter and sarcastic railer against all established institutions. The king and the clergy of course formed frequent topics of abuse; and Sidney, delighted with so unfrequent a congeniality of lan-

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mocracy, I think I might make it good," p. 130. And the following anecdote, from the pen of Lord Dartmouth, is given in the octavo edition of Burnet: "When Sidney's large book came out in the reign of King William, Sir William Temple asked me if I had seen it? I told him I had read it all over. He could not help admiring my patience, but desired to know what I thought of it? I said it seemed to me wrote with a design to destroy all government. Sir William answered that was for want of knowing the author; for there was one passage in it that explained the whole, which was this: 'If there be any such thing as divine right, it must be where one man is better qualified to govern another than he is to govern himself; such a person seems by God and nature destined to govern another for his benefit and happiness.' Now I that knew him very

well can assure you that he looked upon himself to be that very man so qualified to govern the rest of all mankind."

It must however be remembered that neither of these passages, when considered in conjunction with the context, are at all at variance with Sidney's character as a republican, since he considered the republican constitution of Rome as a mixture of these three forms, and finds sufficient representatives of monarchy in the consuls of Rome and the archons of Athens. The passage quoted by Temple is explained by another, in which he says, "Such magistrates as were orderly chosen by a willing people were the true shepherds, who came in by the gate of the sheepfold, and might justly be called the ministers of God, so long as they performed their duty, in providing for the good of the nations committed to their charge." p. 133.

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guage, mistook the unmeaning jests of a mere libertine, for avowals of republican and anti-episcopal principles. Under this impression Sidney had attached himself to Howard; and, with a warmth of friendship which seemed natural to his enthusiastic temper, he would hear no word to his disparagement, although all mouths were open to declare him infamous. Fitzharris, among other attempts to screen himself, had named Howard as the author of his libel. Upon this, that nobleman was apprehended, and lay some time in prison. During his imprisonment, so little was he loved, that he was in a great degree deserted; Sidney alone discovered a friendship which increased with the occasion for its exercise. He took his affairs, his family, and his defence, entirely under his care; he was indefatigable in his exertions in his behalf; nor did his zeal or care diminish until the attorney-general withdrew his prosecution, and Howard obtained his liberation. The tie of gratitude by which he was thus bound to him, may be some excuse for Sidney, having so pertinaciously introduced him into the secret councils of his friends, notwithstanding the repugnance they all showed to his company; but his most probable inducement was, that those violent sentiments were echoed by Howard, which were checked or disavowed by Essex, Monmouth, and Russell.

These noblemen had hitherto looked forward to the meeting of a parliament as the harbinger of a

national redemption. It was not until the crusade against the corporations which has already been related as taking place early in this year, that even this hope faded from them. It is now for the first time that we have any proof that serious thoughts were entertained of an insurrection.\*

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Monmouth had large estates in Scotland, he had resided some time in that country, and his popular address, combined with his moderate and merciful conduct after the affair of Bothwell Bridge, had rendered him much beloved by the people. Thither, therefore, he looked as to the most proper scene of action. The affair was opened to Argyll, who was then in Holland, and that nobleman engaged, upon being assisted with £8000 and a troop of 100 horse, to commence hostilities. The Whig noblemen were now engaged in continuing Shaftesbury's project of the colony of Carolina.† The business connected with this, served as a cloak for their more important negotiations. Aaron Smith, who had been attorney

\* It is amusing to read the truly courtier-like interpretation, which Reresby puts upon their conduct. According to him, the conspiracy was formed "by *such as had been disappointed of preferment at court*, and by Protestant dissenters." p. 163.

† The dreadful cruelties exercised by the Duke of York in

Scotland, had induced many whose consciences would not allow them to take the test, to project an emigration to a part of the world where they would at least be allowed to worship in peace. Carolina being under the management of the Whig lords, appeared the most eligible part of the new world to which they could remove.

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to College upon his trial, was sent into Scotland to desire that men in whom implicit confidence might be placed, should be sent to London. In April, several of these arrived ; but they were, it appears, ignorant of the mission upon which they came, and thought they were only to treat concerning the trade to Carolina. After frequent interviews with Russell and Essex, they better understood what was expected of them. A negotiation ensued, the particulars of which since Burnet neglected the opportunities he possessed of learning them, and since it would have been madness for either of the parties to keep any papers, which, if seized, would afford any clue to a discovery, will probably never be fully known.

A council of six persons managed these negotiations. It consisted of the Duke of Monmouth, Lords Russell, Essex, and Howard, Algernon Sidney and young Hampden, another scion of that illustrious house, which seemed destined to supply an hereditary succession of patriotic men.\*

At the meetings which were held between the members of this council and the persons from Scotland, the probabilities of a successful insurrection, both in that country and in England, were doubtless balanced, and many expedients having force as their means of execution canvassed. It is not probable,

\* Sir William Jones was no longer alive to take part with his former coadjutors. He died while upon a visit to Hampden, the father of Hampden here mentioned, and one of the champions of the Exclusion bill.

however, that any project was ever decided upon, or that any of their consultations amounted to more than Russell described them to have been, talk : talk probably of the proper measures to be taken upon the occurrence of contingencies, which were then anticipated, for the majority of these men seem to have been agreed that the nation was not yet ripe for any immediate enterprise, and that the royal brothers must be allowed to go through a few more scenes of despotism before the popular indignation would be thoroughly aroused.

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Howard, although nominally one of this council, knew little of their designs. Their meetings were necessarily unfrequent ; and Essex and Russell held the character of this coadjutor in such contempt, that they were careful not to commit themselves in his presence. “ If you were to betray me,” said Essex upon one occasion to Russell, “ all the world would blame you, not me ; but if Howard should betray us, we should be the parties chiefly censured for trusting such a man.”\* Although Howard, therefore, was admitted under the patronage of Sidney, to be a member of the council of six, he was only present at the earlier, and, as we may suppose, the less material conferences.

While the affair was in progress, he left town for a short time, and during his absence, Essex and Russell resolved to proceed no further with him. He was told, therefore, upon his return, that it was

\* Burnet.

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IX. and to be quiet. After having thus removed him

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& 1683. from among them, they were careful to avoid him.

It is probable that this withdrawal of their confidence, by destroying the source of the government's information, urged an immediate discovery, which would otherwise have been delayed until something definite had been matured.

While the leading Whigs were proceeding thus cautiously, there was another conclave of conspirators, where far different designs were spoken of. The tools whom Shaftesbury employed were, in their individual characters, either desperadoes or fanatics ; they formed, however, invaluable instruments in the hands of a master, and were doubtless well chosen for the parts which their employer intended them to enact. When Shaftesbury was obliged to leave England, the spell by which these spirits had been bound, was broken. They had been told by him of the co-operation which they were to expect from Lord Russell and his friends ; but when their leader began to declaim against the dilatory conduct of that nobleman, they of course shared his dissatisfaction. Now, scorning the cautious policy of those whose rank and character could alone give any chance of success to an insurrection, they formed plans which were to be executed by their own party, unsupported by the council of six, of which they had only heard. Assembled at West's chambers in the Temple, these

emancipated instruments enacted in a coarser manner, and upon a more violent scale, the scenes which took place at Lord Russell's.

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They also began by canvassing projects of insurrection, and devised many absurd methods of raising the city and overpowering the guards; but, after these schemes had been debated for some time, they began with the ordinary impatience of unprincipled men, to entertain a more expeditious and certain method of obtaining their object. An attack upon the guards was dangerous in execution, and uncertain of success; but a plot to assassinate the king and his brother, if carefully planned, and boldly attempted, could scarcely miscarry. Walcot and Rumbold, who had both served in Cromwell's army, were added to this band of conspirators, who appear now to have been divided into two parties. Walcot, Halloway, Rumbold, and perhaps some others, approved the project of a rising, but rejected the idea of assassination. West, Ferguson, and Goodenough, now spoke only of the danger of their former project, and of the facility which attended the execution of their shorter and surer scheme. By constantly dwelling upon this idea, it had become familiar to them, and they were accustomed to express it by the term lopping. Many plans were spoken of; one was to take one of the cellars under the Duke's Theatre, and blow theatre and audience into the air. The chief objection urged against this, appears to have



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been that it was too popish; for the immense slaughter of innocent persons which this would occasion, was looked upon as of little moment. "What business have the daws among the rooks?" was the reply said to have been made by one of the confederates to another who mentioned this as an obstacle.

Another project was suggested by a remark of Rumbold. This man had a farm near Hoddesden, admirably situated for an attempt at assassination. The house was strongly built, surrounded by a moat, and having, in some places, the additional protection of high walls; it was situated upon a cross road, so narrow that two carriages could scarcely pass abreast. By this cross road, which was somewhat nearer than the high road, the king generally travelled to Newmarket, whither he constantly went in April and October.\*

\* Sprat's description of the Rye-house and the environs is very warlike. His design is to prove the plausibility of the statement of the witnesses, that the party who were to commit the assassination intended to defend themselves in the house until night. "Twenty men," says this aspirant to a mitre, "might easily defend the Rye-house for some time against five hundred." He has bestowed upon the place a watchtower, whence there was a view of the road on either side for a mile's distance. There

were loopholes in that second line of defence, the strong garden-walls. The sallyports were excellent, and the outer courtyard admirably adapted to the drawing up and concealing squadrons of horse and foot. It is strange that Charles should have left a place of such prodigious strength destitute of a garrison and a governor. Burnet, however, speaks of the Rye-house as a place which afforded no other means of defence than mud walls and a moat.

Rumbold is said to have remarked how easy it would be to lay something across the road which should overturn, or at least detain the carriage, and while the impediment was being removed, the brothers could be shot. Once he remembered, he said, that the carriage passed his moat unattended by any guards, and had he delayed it but a minute, he could have shot them both, and have rode away through grounds that he knew so well, that it should not have been possible to have followed him.

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This remark, like many others, was the subject of much conversation, but nothing was ever attempted, for Rumbold, although he might mention the facility to an assassination, was by no means the man to countenance such a design. The meetings in West's chambers terminated, like those at Lord Russell's, in talk; with this difference, however, that the talk that was carried on at West's amounted to the worst species of treason, and was recklessly repeated by the Cabal to their acquaintances throughout the city.

I have said that these two very different classes of conspirators had been in some slight degree connected. Ferguson and his colleagues were disadvantageously known to Russell as tools of Shaftesbury. They had been employed by the latter nobleman to conduct the mysterious communications which he held with his party, while he was secreting himself from the emissaries of Charles's justice.

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hiding-place, and prevailed upon him to appoint a meeting with the Duke of Monmouth, and others of his party, which however he did not keep. Instead of doing so, Shaftesbury changed his lodging, and would never afterwards allow Howard to know his retreat. Another appointment was afterwards made by the Whig leaders to meet Shaftesbury at Sheppard's, a wine merchant in the city and an adherent of the Duke of Monmouth. In this man's house the duke sometimes passed the night, and there, it is said, he always had arms ready for his personal use. Monmouth, Russell, Grey, and Sir Thomas Armstrong, attended the appointment, but Shaftesbury, instead of coming himself, had sent only Rumsey and Ferguson. Lord Russell the more readily consented to attend this appointment, as he wished to taste some wines which he purposed buying of Sheppard, but when he saw who were present, both he and Monmouth were about to withdraw. During the few minutes they waited for the wine samples, Ferguson, Rumsey, and Armstrong, fell into conversation upon the project of a rising at Taunton, and afterwards upon the possibility of surprising the king's guards. Sir Thomas Armstrong, who had commanded them, pointed out the difficulty of the attack, and the others of his party having selected some wine, he left the house with them. They

were not above a quarter of an hour in Sheppard's house.\*

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It is said, also, that Howard was present at some of the meetings held by West and his accomplices, and that he freely conversed with them upon the plans they were considering connected with their project of assassination. This, he, of course, always denied; but several observations attributed to him are certainly much in unison with his general sarcastic style of speaking.†

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These appear to have been the chief occasions upon which the members of West's Cabals held any intercourse with the Whig leaders, and when Shaftesbury, who was the connecting link, was gone, with the exception of Howard, no member of the one was ever in communication with any one in the secrets of the other.

The consultations of West and his associated desperadoes, had been too long protracted, and too indiscriminately communicated to proceed with impunity. They were at last betrayed by one of Goodenough's agents, Keeling, a bankrupt vintner, who, with the bright example of Dr. Oates before him, thought that the trade of a plot witness was

\* This was October, 1682. If any credit is due to the statement of Rumsey, even upon points unconnected with his undoubted fictions, Shaftesbury had at this time given up the Duke of Monmouth, and aimed at the establishment of a republic.—See his *Evidence upon Russell's Trial*.  
† Burnet.

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& 1683. Goodenough had employed this man to ascertain the strength of their party among the citizens, and had even mentioned to him the talk about killing the king and the duke. Keeling now went to Lord Dartmouth and discovered all he knew. The age was, however, so rife with false accounts of this description, that Dartmouth placed little reliance upon the tale of a man of broken fortunes; he referred him to Jenkins, who received his depositions with equal apathy. Jenkins told him that he could take no step until a second witness could be brought to corroborate the statement, and Keeling returned in search of one. It is a singular circumstance, that among all the desperate characters who must have participated in Goodenough's confidence, so great was the unpopularity of the government, that Keeling knew none to whom he could dare to make the proposition of a voluntary discovery; he took, therefore, his brother, a man who was yet ignorant of the whole affair, and introduced him to Goodenough. Goodenough, as usual, spoke freely of their prospects, and of the certain success which would follow an assassination; and Keeling took care to prolong the conversation until his brother was able to corroborate the statement which Jenkins had already received. No sooner had they left Goodenough, than Keeling led his brother, who as yet knew not the purpose for

which he had been brought to hear this dangerous talk, to Whitehall, and drew him, under a pretence of business into Jenkins's office. The brother was confounded at hearing Keeling tell the secretary that he had brought the testimony required, and that the witness now before him had just heard the substance of the plot from Goodenough's own lips. Thus taken by surprise, he took the proffered oath, and added his depositions to those of his brother; but Jenkins still suspected that they were speculating upon his credulity, for he sent out no warrant, but contented himself with dismissing them, and laying their statements before the rest of the ministry. The younger Keeling, meanwhile, who had an honest abhorrence of the office of informer, having thus been unwillingly drawn into it, sent intelligence to Goodenough and the others who had been named, of what had occurred. Upon this the Cabal met in great consternation, they agreed that all was now lost, and that their only hope lay in separation and flight.

Two of them, however, having little confidence in the chances of escape, and satisfied that Keeling had discovered only sufficient to arouse the suspicion of the court, determined at any rate to secure themselves. They rightly conjectured that it would never be believed that the conspirators had proceeded no further than mere verbal plotting; recent examples were then numerous of men, who, after pro-

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mises of pardon, had been executed as insincere in their confessions, because they had proceeded no further than the truth. West and Rumsey were resolved not to die on this account. They had framed a story, and concerted the details so well together, that they were not likely to disagree when separately examined. This story was the more acutely prepared since it was founded upon facts, and depended as little as possible upon fiction. West and Rumsey invented no treason, they were satisfied with declaring that some of the plans which had been proposed for adoption, had been actually tried, and had only accidentally failed in execution. The chief and most plausible feature in their narrative was, the use they made of Rumbold's remark upon the facility with which the king might have been killed on his way to Newmarket. This was now drawn forth as a regularly concerted plot, the authors of which had agreed upon the parts they were severally to take, and had provided themselves with the things necessary for its accomplishment; even the day had been fixed for the attempt. The conspirators had learned when the king intended to return to London; it was nothing but a fire that burnt down half the town of Newmarket, and occasioned him to return a week before the appointed day, that saved his life. According to the statement of these two persons, the safety of the king and the duke was the especial

care of providence. Ten years ago, Rumbold and a party of his friends had determined to shoot the king on his way to Newmarket, and actually lay in ambush to intercept him; but upon that occasion Charles and his brother took an unusual route through the forest, a circumstance which had never happened before or since, and which was therefore as evidently providential as the fire at Newmarket.

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Upon this evidence, Walcot, Hone, and Rouse, were immediately tried, found guilty, and executed; others of the conspirators escaped or found some temporary concealment. Those who were now condemned, were the least guilty of the set to which they belonged; they were certainly far less guilty than those who accused them. Captain Walcot has been already mentioned as dissenting from all propositions for “lopping the sparks,” as his confederates expressed their idea of assassination; he was guilty only of concealing the conversation to that effect, which he had witnessed. Hone was a joiner, who had been unwillingly drawn into conversation upon the same subject by Goodenough and Keeling; but he admitted that he had promised to assist when necessary.\* Rouse had held many employments both on sea and land, and he had enjoyed an office in Flanders, connected with the payment of the army; he had as-

\* State Trials, vol. ix.



CHAP. IX. <sup>A.D. 1682 & 1683.</sup> assisted at debates where the possibility of surprising the town was the subject of discussion; but he declared upon the scaffold that he had no treasonable designs, and that the greater part of what had been sworn against him, were the observations made at the time by the witnesses, and now falsely attributed to him by the authors.\*

Pemberton tried this man with great severity, treating him from the first as though he had been already convicted. In his address to the jury, he never suggested the possibility of the witnesses being perjured, although they confessed themselves guilty of intentional murder, and having allowed the prisoner no time to obtain evidence of their falsehood, he dwelt upon the absence of such evidence as conclusive proof of his guilt.

These new witnesses, Rumsey and West, had heard of the council of six, and Rumsey had been present at the meeting at Sheppard's. Their disclosures therefore implicated Russell and Monmouth. When these noblemen were named, the king, who was then at Windsor, came to town: the plot he had

\* North speaks of Rouse in his usual style. "He was," he says, "a thorough paced traitor, and looked upon to be paymaster of the mob; a wappinger and good at mustering seamen; and, in order to have good magazines of arms and ammunition, he was in the front of a design to surprise the Tower and Whitehall." Examen, p. 585.

been fostering approached its denouement. By placing an inefficient guard upon Russell's house, the council had, indirectly, given him notice of his danger, and warning to fly. Russell, however, who knew that he had never trusted any of the party to which Rumsey belonged, and who had forgotten the conversation at Sheppard's; if, indeed, he ever heard it; resolved to remain, rather than tacitly acknowledge a guilt of which he was unconscious. Upon the arrival of the king he was taken into custody and carried before the council. Charles at once told him, that no one suspected him of any design against his person, but that he had good evidence of his being in designs against his government. Russell answered the questions put to him upon this occasion; he admitted having been, more than once, at Sheppard's, but he denied having heard any conversation relating to the rising at Taunton, or that he knew or had ever seen Trenchard, the agent who was said to have failed in his engagements on this occasion. At the close of the examination Russell was committed to the tower.

Algernon Sidney was the next person seized and brought before the council. This stubborn republican refused to reply to any of their questions. If they had any proof against him, he said, he must make the best defence to it he could; but they should not fortify that proof by any word he should

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say. This answer was not only consonant with the unbending character of the man, it was also the most prudent he could have made : as yet the court had no evidence whatever against him, and his committal to the tower was, like the majority of the acts of this government, illegal.

When Russell and Sidney were known to be in custody, Monmouth made his escape.† Grey having

\* A committee of the council visited them both while in the tower. Russell answered them civilly that he was now preparing for his trial, when he did not doubt but that he should answer every thing that could be objected to him. Sidney treated them with less ceremony, he told them that it seemed they wanted evidence, and were come to draw it from his own mouth ; but they should have nothing from him.

† Burnet tells the following anecdote concerning Monmouth's escape : " As soon as the council rose, the king went to the Duchess of Monmouth's, and seemed so much concerned for the Duke of Monmouth, that he wept as he spoke to her. That duke told a strange passage relating to that visit to the Lord Cutts, from whom I had it. The king told his lady

that some were to come and search her lodgings : but he had given order that no search should be made in her apartments, so she might conceal him safely in them. But the Duke of Monmouth added, that he knew him too well to trust him, so he went out of his lodgings, and it seems he judged right : for the place that was first searched for him was her rooms ; but he was gone, and he gave that for the reason why he could never trust the king after that. It is not likely the king meant to proceed to extremities with him, but that he intended to have him in his own hands, and in his power."

Upon this passage Lord Dartmouth remarks, " Mr. Francis Gwin (secretary at war in Queen Anne's time) told me, that as soon as this book was published, he asked the Duchess of Monmouth

first surrendered and undergone his examination, bethought himself of the danger he ran, and followed his example.\* Howard was not named, and the king remarked, that he and Oates were probably found absent from the list of conspirators for the same reason, that their characters were so well known, that no one would trust them. This nobleman was going about among those Whigs who were not in the secret, declaring that there was no plot, that this was another of those pretended discoveries by which the king had so often attempted to take off the chiefs of his opponents ; and speaking in terms of the utmost contempt both of the witnesses and their depositions, To Russell, however, he spoke differently ; to him he admitted, that he had been as free with West as with any man, and this admis-

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if she remembered any thing of this story ; she answered, it was impossible she should, for there was not one word of it true."

\* Burnet relates it thus : " An order was sent to bring up Lord Grey, which met him coming up ; he was brought before council, where he behaved himself with great presence of mind ; he was sent to the tower, but the gates were shut, so he staid in the messenger's hands all night, whom he furnished so liberally with wine,

that he was dead drunk. Next morning he went to the tower gate, the messenger being again fast asleep, he himself called at the tower gate to bring the lieutenant of the tower to receive a prisoner, but he began to think he might be in danger ; he found Rumsey was one witness, and if another should come in he was gone ; so he called for a pair of oars and went away, leaving the drunken messenger fast asleep."

p. 549.

CHAP. IX. sign, made to one who knew the violent language in which Howard habitually indulged, was sufficient confession that his life was in West's hands. To Hampden he made a similar statement, and he was advised by him, if he had not strength of mind to suffer, to save himself by flight.

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It must be remarked, as a very singular circumstance, that Rumsey, who could recollect so circumstantially every thing that passed during the quarter of an hour he had been in Russell's company at Sheppard's, should have made no mention of Howard, who was unquestionably present at some of the meetings of the Cabal at West's, and was more immediately than any other member of the council of six, in communication with Shaftesbury before that council was formed, and with Shaftesbury's tools afterwards. It is no less singular that West, who sacrificed without scruple his most intimate friends and associates, should, in his first depositions, have spared this man. Howard\* was the only person, conspi-

\* Burnet says, "At one time Lord Howard was among them: and they talked over their several schemes of lopping. One of them was to be executed in the playhouse. Lord Howard said he liked that best, for then they would die in their calling."

In the appendix to Sprat's History, this same remark is mention-

ed, but it is there attributed to one of the minor conspirators. If the observation was thought too good to be lost, and if it were deemed imprudent to discredit Howard, by making him a participator in this part of the transaction, the authorship would of course be changed, for Charles garbled these documents at his leisure.

cuous by his name or character, with whom he had held any converse upon the subject of the plot, (except Shaftesbury, who was beyond the reach of vengeance,) and his notoriously ill reputation would have given as much credibility as his name would have added importance to such a denouncement.

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It is probable that West and Rumsey did denounce Howard in their first statement, but that, at the command of the king, the accusation was suppressed; that Howard's stipulated service was not yet performed; that he was left at large a little longer to diminish the terror of the accused party; to inspire them with confidence; to dissuade them from flight; always ready, at the critical moment, to appear and witness to their destruction.

This idea seems to have suggested itself to Burnet, but he rejects it, because the king spoke of Howard with such contempt. Most persons would draw an opposite conclusion to that which Burnet drew from this circumstance. Black as the character of Charles the second is, and infamous as every faithful historian must describe him, even he must have looked upon Howard with a contempt amounting to loathing. Men seldom respect vice in others, and Charles, who might call his own tyranny ambition, and his own cruelty necessity, would behold, in its true light, the cowardly perfidy of his instrument, and spurn while he used him.

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Two authorities more I shall cite, which tend to prove that this embryo plot was all along fostered by the government, or at least by the king through the agency of Howard.

Narcissus Luttrell in his diary\* says, "Ever since the first discovery of this plot there have been discourses of a peer's coming in to discover the same, which now proves to be the Lord Howard." And again a yet stronger passage from the same author: "Howard, ever since he has been taken, has done nothing else but make discoveries, and is said to be the lord that lay behind the curtain all this while, in order to discover."

The other is contained in the following note, produced by Lord John Russell, from the Bedford papers, and endorsed by Lady Russell, "This was said by the Lady Chaworth:"

"There having run a story of a letter, without a name, writ to the king, promising a discovery against Lord Russell, which some said was Lord Huntingtingdon's, some Lord Essex's. Lord Howard and his wife being here on Sunday last, a lady coming in, whispered me in the ear, that here was the lord that now they said had written the said letter to his majesty. I whispered to her again, and asked her

\* Printed in the State Trials, from the MS. in All Soul's College, Oxford.

whether she would give me leave to tell him. She said, ay, if you will, when I am gone, without naming me. After which, she, and all the rest of the company, being gone, except Lord Howard and his lady, who staid for their coach, I said to my lord and his wife, ‘My lord, they say now that you are the person that writ the nameless letter to the king.’ To which he replied, ‘My Lord of Essex as much as I; and I as much as my Lord of Essex. May my Lord Russell and all innocent men, live till I accuse them.’”\*

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& 1683.

\* Life of Lord W. Russell, p. 180.



## CHAPTER X.

Trial of Lord Russell—The evidence—The objections taken by the prisoner—Death of Lord Essex—The king's obduracy—Dying declarations of Walcot and his companions—Lord Russell's paper—Trial of Algernon Sidney—The evidence—Defence—Monmouth's surrender and pardon—His confession, repentance, and banishment—Hampden's trial—Prosecutions on account of the plot in Scotland—Sir Thomas Armstrong's execution.

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A.D. 1683. THE trial of Lord Russell was fixed for the 13th of July. Four days before that appointed for the trial, Lord Howard was taken, and immediately confessed every thing, and, doubtless, more than every thing he knew.

The circumstances of this celebrated trial are too well known to require any detailed notice. Sheppard proved the presence of the accused nobleman at the conference held at his house, and that a proposal was made to seize the guards at the Savoy and Mews, when the Duke of Monmouth, Lord Grey, and

Sir T. Armstrong undertook to reconnoitre them. Rumsey\* swore to the conversation concerning the rising at Taunton, and corroborated Sheppard as to the reconnaissance of the guards. Howard swore to the existence of the council of six, and amid a long story, chiefly composed of hearsay, spoke of several consultations upon the best means of exciting an insurrection, and of a resolution they came to, to send agents into Scotland to concert measures with the disaffected in that country.

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West, Keeling, and Leigh were then called, and although it was not pretended that any thing they were about to testify was more than hearsay, West was still allowed to prejudice the jury, by accounts of what others had told them of Lord Russell's good wishes for the success of the insurrection project, and to declare, that they looked upon the members of the council of six as their leaders and paymasters.

Lord Russell was indicted under the statute of 25 Edw. III., c. 2, which declares treason to be, among other irrelevant things, "When a man doth *compass or imagine* the death of our lord the king, or of our

\* Rumsey's infamy was afterwards so fully proved upon the trial of Cornish, that although he swore in favour of the court, and although Cornish was hanged on his testimony, the popular demonstration was so strong, that James

thought it prudent to affect great indignation against him. He confined him in one of those illegal foreign prisons, which were still kept up in defiance of the Habeas Corpus Act.

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lady his queen, or of their eldest son and heir : or if a man *do levy war* against our lord the king in his his realm," &c. The accused objected that no proof of treason had been brought against him under this act. The testimony of Rumsey and of Howard, if believed in its fullest extent, would only amount to a compassing of levying war against the king ; for although, from the association of ideas connected with the term guards, it would be natural to imagine that an attack upon the king's guards involved an attack upon his person, yet the contrary was the fact : the guards were a body unknown to the law. "The guards!" exclaims Sir Robert Atkyns in a tract called *A Defence of Lord Russell's Innocency*, "what guards? What or whom does the law understand or allow to be the king's guards for the preservation of his person? Whom shall the court that tried this noble lord, whom shall the judges of the law that were then present, and upon their oaths, whom shall they judge or legally understand by these guards? They never read of them in all their law books ; there is not any statute-law that makes the least mention of any guards," and even the long parliament, compliant as they were, could never be brought to notice the existence of any such a body as the king's guards, or to treat it as an adjunct of royalty at all recognised by the English constitution." The fact is plain, that the king's guards are part of

the king's army, and that only to conspire to attack them was, therefore, to conspire to levy war against the king. This the prisoner objected was not within the statute.\*

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\* In thus stating the case I am merely repeating the objection taken by Lord Russell. It is not however to be supposed that, had he consented to admit the facts as deposed, any lawyers could have convinced Pemberton and his associates of the validity of the objection. The crown lawyers had long since invented a sophism to elude the plain meaning of the statute, and by declaring that a conspiracy to levy war was, in fact, a conspiracy to kill the king, had established a species of constructive treason, that deprived the subject of much of the benefit of the statute of Edward. Judge Foster considers every consultation to levy war against the king as a consultation to imprison or depose him; "and experience has shown," he says, "that between the prisons and the graves of princes the distance is very small." (*Crown Law*, p. 194.) Hale, in his "*Pleas of the Crown*," approves this doctrine when he says, that "an assembly to levy war against the king, either to depose, or restrain, or enforce

him to any act, or to come to his presence to remove his counsellors or ministers, or to fight against the king's lieutenant or military commissionate officers, is an overt act, proving the compassing the death of the king; for such a war is directed against the very person of the king, and he that designs to fight against the king, cannot but know, at least, it must hazard his life." p. 123. With such authority Pemberton would have had little difficulty in putting aside all argument to the contrary. We cannot, however, read this passage and another in p. 131, where Sir Matthew Hale seems to feel the impossibility of reconciling this construction with the words of the act, without contrasting them with his own observations upon those doctrines of constructive treasons which occasioned the statute of Edward. "How dangerous is it," he says, "by construction and analogy to make treasons where the letter of the law has not done it: for such a method admits of no limits or bounds, but runs as far as the wit and invention

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Another objection was, that in cases of treason, according to a statute of Mary, two witnesses are required to prove an overt act. Howard and Rumsey only brought a single testimony to two distinct acts. It had, however, been before decided that although two witnesses were required to prove the treason, they might prove it by each deposing to a distinct overt act.\*

Lord Russell demanded counsel to argue these points of law, but as he refused to admit the facts as the witnesses swore to them, his request was refused.

For the defence Lord Anglesea deposed to the discredit of Lord Howard, that he had heard that person frequently declare that he knew nothing against Lord Russell, and that he had comforted the Earl of Bedford by assertions of his son's innocence. Upon Lord Anglesea proceeding to mention some-

of accusers, and the odiousness and detestation of persons accused, will carry men."

The construction thus put upon this statute was the more obviously unjust, since several temporary acts had been passed (one in Elizabeth's and another in this very reign) to make a conspiracy to levy war treason. This act could not, however, reach Russell, since there was a proviso, that the prisoner should be indicted within six

months after the treason was committed. The meeting at Shepard's was eight months before, and Howard's was only a single testimony.

\* It is singular that this doctrine had been solemnly confirmed, and, therefore, unquestionably established in the recent case of Lord Stafford, where the present victim was a prosecutor.

*Cædimus, inque vicem præbemus  
crura sagittis.*

thing which he had heard upon this subject from Lady Chaworth, Pemberton and Jefferies immediately stopped him ; and although they had allowed Howard to dilate at length upon similar authority, merely interposing the useless remark that it was not evidence, on behalf of the prisoner they would not hear an unnecessary word.

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Burnet proved that Lord Howard was with him the night after the plot broke out, and that he then, as he had done before, with hands and eyes lifted up to heaven, said he knew nothing of any plot, nor believed any, and treated it with scorn and contempt. A host of the first men of England stood forward to proclaim their friendship and admiration of the destined victim ; but North\* had taken care to return a panel, which, as his kinsman remarks upon another occasion, would start no formalizing scruples. Al-

\* There is no doubt whatever that this jury was packed by North under the direction of Burton and Graham, solicitors for the crown. North afterwards admitted, that, although in ordinary cases the panels were left to the undersheriffs (themselves sufficiently stanch Tories), upon this occasion, on account of its importance, he himself struck the panel.—*State Trials*, vol. ix. Russell objected to the jury as not being freeholders. This objection was

overruled, because the custom was against it ; and very properly, since the freeholds of the city were chiefly in the hands of very large landholders, and the substantial merchants and tradesmen were supposed to be of at least equal intelligence with 40s. freeholders. At the present day it is usual to try an intricate or mercantile case in the city, if possible, since a common jury there is thought nearly equal to a special jury of the county.

CHAP. though Pemberton exhibited none of the gratuitous  
X. brutality which Jefferies soon afterwards rendered  
A.D. 1683. customary from the bench, but even summed up  
the evidence with some show of impartiality, the  
zealous Tories, who filled the jury-box, did not long  
hesitate before they pronounced the fiat which con-  
signed Russell to the block.

A circumstance occurred while Lord Russell's trial was yet proceeding, which was assiduously brought forward to create a sort of stage effect in court. That it had any effect upon the minds of the jury is very unlikely, since they had doubtless resolved upon their verdict before they heard a word of the evidence ; but it afforded the attorney-general a new topic in favour of the reality of the plot, and produced from Howard an exhibition of hypocrisy as shameless as it was disgusting. I allude to the unhappy death of the Earl of Essex. The earl was in the country when the plot broke out ; he heard of the arrest of Lord Russell, and was not ignorant of his own danger ; but, with the true chivalric honour of a high-minded nobleman, he refused to avoid that danger, lest his flight might be adduced against his friend, and weigh with the jury as a proof of guilt. A party of horse was sent down to bring him up, and he was committed to the tower. On the morning of Russell's trial he was found dead in his closet, with his throat cut.

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When this catastrophe was reported in the court, Howard pretended to shed tears—his voice faltered, and for a moment he discontinued his evidence. It is difficult to write dispassionately of this man. To view him—the author of the death of the two best and most virtuous characters which England has produced—weeping over one of his victims, and sealing the next moment the fate of the other, raises feelings of disgust and aversion too violent for history to express.

It would be inconsistent with the scope of this work to enter into any lengthened discussion upon this nobleman's death; but I am far from thinking, with Mr. Hume and Mr. Hallam, that it is *indisputable* that he died by his own hand. The arguments on both sides will be found lucidly stated in the *Biographia Britannica*;\* but upon the whole it certainly appears rather probable that Essex was a suicide.

I have no excuse, either, for dwelling upon the death of Russell. The simple and circumstantial relation given by Burnet, his intimate friend, and his companion in his last hours, is one of the most pathetic passages of history: there are few readers to whom it is not familiar.

\* Art. "Capel"—Kippis's edit. Brandon's pamphlet is printed in the State Trials. The intemperance of this person gave great advantage to those who defended the king and his brother from this accusation.



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The execution of Russell was a triumph over the Whigs which no consideration would induce the king to forego. The severity of the sentence was so evident, and the character of the condemned nobleman so universally known and admired, that some even of the Tory ministry ventured to speak in his favour. The king, who disliked all importunities, and never willingly returned a direct denial to a request, forbade any one to mention the subject; but the Duke of York, who was not accustomed to be turned from his purpose by any appeal to his mercy or compassion, who had looked on the agonies of the victims of his tyranny in Scotland as calmly as though he had been assisting at a mere philosophical investigation, and who remained, from choice, when every other member of the council, who could do so, had fled the chamber of torture—the Duke of York freely allowed of intercession, and he would listen to entreaties for mercy so readily and so unmoved, that those may be acquitted of a want of charity who judged that he felt pleasure in refusing them. It is doubtless true that James fortified his brother in his resolution to take the full advantage of the position in which he found himself, and to crush at once the heads of the Whig faction; but his aid was hardly required in pursuing his object. Charles felt much more annoyed by the importunities by which he was besieged, than by any compunctions of pity for the

fate of his victims. He affected to think, perhaps he had persuaded himself, that Russell and his party had designs which could only be accomplished by his death. When Lord Dartmouth dwelt upon the exalted character, the known virtues, and the extensive popularity of Russell, he was answered, "All that is very true, but it is equally true that if I do not take his life he will have mine."\* His desire of vengeance was even proof against the blandishments of his favourite mistress. The Duke of Bedford had gained her to his interest, and made her the medium of the offer of £100,000 for the life of his son. "I will not sell my own and my people's blood at such a price," was Charles's reply. It has been said by some historians that Russell would have been spared, could he have been brought to publicly acknowledge the doctrine of non-resistance; and great efforts were certainly made under that persuasion by Burnet, Tillotson, and Hallifax, to induce him so to do. The Whig nobleman modestly but firmly refused to abjure his principles; but had he consented, it is more probable that Charles would only have exulted over his fall, and sent him, notwithstanding, to the scaffold. The insolent sarcasm which attended the circumstance of changing the legal punishment for treason into beheading, betrays the true nature of the man—

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\* Dalrymple.

CHAP. the heartless tyrant transgresses in his triumph even  
 X. the bounds of good taste and gentlemanly feeling,  
 A. D. 1683. and vents his cowardly and pitiful jest upon the sufferings of his victim. "Lord Russell shall find, by his own experience, that I have the prerogative he denied me in the case of Lord Stafford."\*

The execution of Lord Russell was preceded by that of Walcot and his accomplices; and the dying confessions of these men had already thrown great discredit upon the story of the plot, and the evidence of the principal witnesses. The declarations of dying men, who have nothing to hope from a concealment of the truth, who are penitent in their death, and acknowledge the justice of their doom, must ever have great claims to our belief. These men admitted their participation in discourses about assassinating the king and his brother; but they all denied the circumstances of aggravation which the witnesses had sworn against them. Walcot denied the whole business of the Rye plot, or that he ever undertook to attack the guards while others killed the king:

\* This anecdote seems to depend only upon the authority of Echard. The cases were by no means similar. None could deny Charles's right to remit the whole or any part of Russell's sentence, for he had been condemned at the suit of the crown. His right to

remit Stafford's sentence had been canvassed, because that nobleman had been condemned at the suit of the commons: the former was a matter of course, the latter involved a great constitutional question.

his admissions,\* however, were quite enough to justify his sentence, and both he and his companions were doubtless executed justly. These confessions, carrying as they did such evident marks of truth, rendered the character of *Went* so black, that even Charles's myrmidons were afraid to rely any more upon him as a necessary witness.

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The manner of the death of Russell, which took place the next day, gave another blow to the character of the witnesses upon whose testimony the plot rested. Russell left behind him a paper, of which printed copies were selling about the streets within an hour after the execution. The public confidence in the veracity of this unfortunate nobleman was so great, that any statement he might make would always have been received as indubitable truth by the majority of the nation—his dying declaration none would doubt. This paper was a short exposition of his principles, religious and political, and an explanation of the most prominent acts of his public life. He professed upon this occasion, as I have already remarked, his entire belief in the reality of the popish plot, and declared that that belief still remained unchanged.\* He acknowledged his zeal

\* His language is very strong: under it when it should prevail, I  
 "Whatever apprehensions I had of never had a thought of doing any  
 popery, and of my own severe and thing against it basely or inhu-  
 heavy share I was like to have manly, but what could well consist

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against popery, but indignantly denied any intention against the life of the king, or any design to alter the government of his country. He attributed his fate to the earnestness with which he had promoted the Exclusion bill, but he extended the forgiveness of a Christian to the authors of his death, and forbade his friends to think of revenging him. He complained of his sentence as severe, and gave the correct account of all that passed at the meeting at Sheppard's. "There was no undertaking," he said, "to secure or seize the guards, nor none appointed to view or examine them : some discourse there was about the feasibility of it, and several times by accident, in general discourse elsewhere, I have heard it mentioned as a thing might easily be done, but never consented to as fit to be done ; and I remember particularly at my Lord Shaftesbury's, there being some general discourse of this kind, I immediately flew out and exclaimed against it, and asked if the thing succeeded what must be done next but massacreing the guards, and killing them in cold blood, which I looked upon as so detestable a thing, and so like a popish project, that I could not but

with the Christian religion, and the laws and liberties of this kingdom ; and I thank God I have examined all my actings in that matter with so great care, that I

can appeal to God Almighty, who knows my heart, that I went on sincerely, without being moved either by passion, by ends, or ill designs."

abhor it.”\* He denounced the reigning practice of destroying opponents with the forms of law as the worst description of murder, and hoped that the practice might end with his death.† His paper concluded with sentiments of Christian confidence and manly resignation—sentiments that well accorded with the life, and well befitted the last hours of a man who had lived the life, and was about to die the death, of Lord William Russell.‡

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To render the triumph more imposing the execution was ordered to take place in Lincoln’s Inn Fields—a spot so distant from the tower, that the carriage which conveyed him to the scaffold must traverse the city before it reached its destination. The best and most beloved of their protectors was thus ostentatiously exhibited to the citizens, led to

\* State Trials, vol. ix., p. 691.

† Upon the scaffold he repeated his ignorance of the plot for which he died: “In the words of a dying man I profess I know of no plot either against the king’s life or the government.”—*State Trials*, vol. ix., p. 683.

‡ Sprat thus misrepresents this paper: “As to the whole matter of it, time, the best discoverer and light of truth, has since shown it to be full of enormous falsehoods; and for the manner it was such as rather became the subtilty, arti-

fice, and equivocation of some crafty, hypocritical confessor, or presbyterian casuist, than the noble plainness and simplicity of a gentleman, especially of one who, in this very paper, so much boasts of the sincerity and candour of his whole life, and of his perpetual hatred of tricks and evasions.” Time did indeed prove the best discoverer and light of truth: even in the lifetime of this man the truth was so well proved that he was glad to recant his slanders.

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death without the dread of opposition on the part of the court, or without any one daring to murmur at the spectacle. Even this did not satisfy the malignant heart of James. Scotland had already witnessed his ingenuity in devising new tortures. Knowing the love which Russell bore his wife, and the faithful ardour with which that affection was returned, he rightly conjectured that the bitterest drop in his cup of sorrow must be the severance of his domestic ties. He moved the king, therefore, that Lord Russell might be put to death in front of his own dwelling.\*

The conduct of all the Whig leaders at this conjuncture was that of fearless and honourable men. Lord Cavendish, although so conspicuous among that party, and so intimate with Lord Russell, nowhere appears in the plot. This was perhaps occasioned by the tenderness of Russell, who would not risk the life of so dear a friend, and therefore kept him in ignorance of the consultations. Cavendish, however, openly and zealously attempted to succour his friend; and when his condemnation was pronounced, offered to exchange clothes with him in prison, and remain while he escaped. Monmouth

\* One of the notes in Monmouth's memorandum-book, found in his pocket when taken in the west, was, that Charles had told him he inclined to have saved

Russell, but was forced to execute him, otherwise he must have broke with his brother. He bid Monmouth think no more of it.—*Welwood's Memoirs*, Appendix, p. 374.

also offered to surrender himself, and abide his trial. But Russell would not consent to compromise his friend; and to Monmouth's offer he replied, "that it would be of no advantage to him to have his friends die with him."

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This was the first and most decisive blow which was struck for the annihilation of the Whig party. It was to be pursued. Pemberton, although he had proved himself an agent to be tolerably implicitly relied upon for a conviction, had shown some shadow of decorum in the trial of Lord Russell. He was therefore dismissed, not only from his office but even from the privy council, and sent back to his practice at the bar. To make future prosecutions yet more certain, Jefferies was made chief justice. When this precaution had been taken, Algernon Sidney was brought to his trial; and a scene ensued which was worthy of the judge who tried him, and the cause which required his death.

In the case of College, there was testimony to the treason charged, however infamous the character of the witnesses. In the case of Lord Russell the forms of justice were at least observed, and the law delivered from the bench, however strained, was in accordance with *some* recorded precedents; but the execution of Sidney was an undisguised murder.

Sidney had not been present at the meeting at Sheppard's. Howard, therefore, was the only witness



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against him. The law required two, and Jefferies was charged to overcome this difficulty. The next step was to form a jury which would be impervious to any proof of innocence, and which would abstain from confusing themselves with points of law. Parry, one of the most infamous of mankind, who had been pardoned his crimes, and promoted to the office of justice of the peace for similar services, managed this, and sent in the names of a number of "*sure men*." The men who composed Russell's jury had been at least respectable as to their station. The tribunal before which Sidney was cited, had not even this recommendation. Russell had objected to his jury, because they were not all freeholders: the objection was overruled, because they were citizens. But Sidney was tried in the county court, and by a Middlesex jury, where no such custom as that which obtained in London was known; yet, when he took the same objection Jefferies refused to hear it, declared it had been altogether overruled in Lord Russell's case, and would not even suffer the accused to read the statute which he cited upon the point.

With this piece of violence the trial began, and both judge and jury being now consentient in their object, the after proceedings were, as far as the event of the trial was concerned, a mere idle form. Howard opened his evidence against his benefactor with a rhetorical flourish upon the uniformity of truth, and

Rumsey and West were allowed to repeat their hearsay statements in support of his declining credit ;\* and although Jefferies admitted that this was not evidence, he allowed them to proceed, and even repeated it, without any such remark, when summing up the evidence.

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To discredit Lord Howard, the same evidence was produced, which appeared upon Lord Russell's trial ; and his solemn declarations, that he knew of no plot were repeated. In addition to this, a witness deposed, that having asked Howard when he was to have his pardon, he answered, " Not till the drudgery of swearing was over ;" and Sidney's servants proved, that since the committal of their master, Howard had declared to them that there was nothing against him.

Sidney denied altogether the facts stated by Howard, and argued how improbable it was, that a man who could not raise five men, and had not five shillings to pay them, should be admitted into conferences, which, according to his own statement, were held by the chiefs of the proposed insurrection,

\* In going so they contradicted each other. West said, that he had heard of the council of six from Rumsey, and that that person had told him, that Sidney was one of the members. Rumsey said that he had similar information, but he had received it from West.

CHAP. and would, therefore, of course, be attended only by  
X. those who could contribute largely to its success.

A.D. 1684.

Notwithstanding these imputations upon the credibility of this witness, it was competent for the jury to receive his testimony as true: but this was only the evidence of one witness, and that, according to the law, did not constitute a sufficient case to go to a jury at all. To escape this objection a manuscript was produced, which had been found among Sidney's papers, and which has since been given to the world. From this now well-known work, the "Discourses upon Government" certain passages were produced, which asserted that princes derived their power from the people, that this power was confided to them under conditions, and with restrictions and limitations, and that if they abused it, they were liable to be punished for their misconduct by the people whose confidence they had betrayed. This doctrine, the fundamental principle of the Whig creed, and the keystone of the British constitution, was according to the now dominant dogmas of Toryism, treason, and its advocacy was brought forward as an overt act of compassing the king's death. *Scribere est agere* was the law pronounced from the bench, and this speculative paper was held to supply the place of a second witness—a conclusion which could only be arrived at by a series of forced constructions, which none but a

crown lawyer could have seriously put together as evidence of a fact, and which none but a judge, who preferred his place to his conscience, could for a moment have entertained.

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It has been urged, as one of the chief iniquities that marked this trial, that this paper was not legally proved to be in the handwriting of the prisoner. Jefferies's conduct upon this occasion does not require this additional circumstance to blacken it; nor, if we can place any reliance whatever upon the printed report, was the evidence upon this point insufficient.

It is an established rule of evidence, that handwriting cannot be proved by submitting to the jury the paper intended to be proved, and another containing writing admitted to be genuine, for the purpose of their comparing the two. It has been said that the reason of this rule is, that unless a jury can read they would be unable to institute a comparison, or judge of the supposed resemblance. A better reason appears to be, that the writings intended as specimens to be compared with the disputed paper, would be brought together by a party to the suit who is interested to select such writings only as may best serve his purpose, and they are not likely, therefore, to exhibit a fair specimen of the general character of handwriting.\*

\* Phillips on Evidence, vol. i., p. 490.

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The objection taken to the proof of the handwriting of the "Discourses on Government" being Sidney's is of this description. It is said that the passages brought against him were handed to the jury with other writings admitted to be his, that upon such proof this vital part of the case for the prosecution was held established, and the act of parliament, which reversed the attainder, mentions this among the reasons for the reversal. This appears, however, to be incorrect; of the three witnesses called to prove the handwriting, Sheppard *had seen him* write the endorsements on several bills of exchange, and was, therefore, a legal witness to prove his handwriting. Cary had seen endorsements on bills which had passed through his hands as Sidney's endorsements, and Cooke had paid such bills, and had never been called upon to account for mispayment. All these witnesses agreed in thinking the writing submitted to them was Sidney's, and this evidence was perfectly legal. The true iniquity rests with the jury, who were resolved to believe such a man as Howard, and in that part of the judges conduct, where he held the writing of a speculative work on government, to be an overt act of compassing the king's death. "If you can believe," he said, "that it was Colonel Sidney's book and written by him, no man can doubt but that it is sufficient evidence that he is guilty of compassing and imagining the death

of the king. The case does not rest upon two witnesses, but upon greater evidence than twenty-two, if you believe this book was written by him.”

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“The conduct of Chief Justice Jefferies in this case,” says Mr. Phillips, “has been universally reprobated. His summing up exhibits a complication of such gross perversions of law, as are not to be paralleled in any other state trial on record. To mention only a few particulars: He declared to the jury that the hearsay evidence of persons who were strangers to the prisoner, was admissible as legal proof of a general conspiracy, and as confirmation of the general narrative of the witnesses—thus attributing to it the utmost possible effect. He held it to be law, that if one witness prove an overt act of treason, and another witness prove a circumstance in favour of the former (though not itself of a treasonable nature, but perfectly indifferent), these would be two sufficient witnesses to prove the treason. He relied on the conviction of Lord Russell as an argument for the conviction of Sidney. To conclude, he laid down, in the strongest terms, that the papers found in Sidney’s closet were competent and sufficient evidence of the treason charged in the indictment, although these papers were nothing more than a speculative and controversial disquisition on political subjects, written apparently many years before, not relative to the treasonable practices charged in

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the indictment, and entirely unconnected with any political design.\*

Sidney behaved at his death with the intrepidity which all expected from him. In the words of Burnet, with an unconcernedness which became one who had set up Marcus Brutus as his pattern. He was but a very few minutes upon the scaffold on Tower-hill, he spoke little, and prayed very short, and his head was cut off at one blow.†

Sidney also left behind him a paper, but it consisted rather of animadversions upon the injustice

\* State Trials Reviewed, vol. ii., p. 109.

† The editors of the octavo edition of Burnet have quoted the following fine lines from Dr. Batson's Oxford prize poem, on "The Love of our Country :"

" Lo! Sidney bleeding on the block—his air, his mien,  
His voice, his hand unshaken, firm, serene ;  
Yet no diffuse harangue proclaimed around,  
To gain the plaudits of a wayward crowd ;—  
No specious feint death's terrors to defy,  
Still death delaying as afraid to die :  
But sternly silent down he bows to prove,  
How firm unperishing his public love.  
Unconquered patriot! formed by ancient lore,  
The love of ancient freedom to restore ;  
Who nobly acted what he nobly thought,  
And sealed by death the lesson that he taught."

Sidney could hardly have anticipated that such an eulogy would, within a century, be received with cheers from the rostrum of the Oxford theatre, or that the university would bestow her honours upon its author.

committed at his trial, than of any explanations as to the share he had in the pretended plot.

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A.D. 1684.

Hallifax, although holding the office of privy seal in a ministry essentially Tory, was, as was before remarked, in his convictions, a Whig. We have seen that his influence was greatly lessened by the quarrel which occurred between him and the Earl of Rochester, and that he had thereby incurred the hatred of the Duke of York and the Duchess of Portsmouth. Halifax found it necessary to raise for himself some protection against these powerful enemies, and he determined upon a scheme, in which he would be supported by the paternal feelings of the king. Monmouth was still in concealment: it was Halifax's object to find him out, and restore him to his former consequence at court, thus securing to himself a powerful ally, and opposing to the Duke of York a dangerous rival. Monmouth was soon discovered by those who sought him in friendship; and Halifax persuaded him to adopt and transmit to his father some submissive and penitent letters, which he had penned for his use.\* Monmouth acquiesced, and was again received into favour, having first made a general confession of his offences to the king, and a complimentary request to the Duke of York to intercede in his favour. The next Gazette an-

\* Welwood's Memoirs.



CHAP. X. pronounced that the king had pardoned him, upon his confessing the late plot, and Charles declared to his courtiers that James had confirmed all that Howard had sworn.\* The Duke of York has left a more circumstantial account of his confession.† According to this authority, secretary Jenkins was sent from the council chamber, and Monmouth being examined by his father and the Duke of York, confessed the general truth of Howard's statements, and only contradicted him in trivial and immaterial circumstances.

Whatever credit is due to this imputation upon Monmouth, and it rests only upon the very equivocal veracity of the two brothers,—the duke himself vehemently denied it. The entreaties of Hallifax restrained him for a day or two, until his pardon was formally passed. He had before denied any such confession to his friends: he now disavowed it to the world. He declared that Lord Howard was a liar and a rogue, and boldly denied the statements both of his father and his uncle. Upon this the king insisted that he should give a written confession, under his own hand; and Hallifax arguing upon the indefinite signification of the word plot, and urging that there had certainly been dangerous consultations, which might be called by that name, at last obtained from him a letter acknowledging that he

\* Burnet.

† Macpherson's Extracts.

had confessed to the plot. The king received the paper from Hallifax, and was satisfied. Not so the writer of it : he reflected that the admission he had made, although no evidence, would be made use of to destroy the remainder of his party. Juries, already so facile, would never be brought to doubt the plot when they heard of his confession, and under this general conviction they would listen with ready credulity to every tale which the hirelings of the court might be brought forward to depose. These reflections tortured him beyond endurance : he went to the king in a state of agony, and entreated that the paper might be returned. It was in vain that his father withstood his resolve. It is said that Charles stooped upon this occasion to *beg* a confession from the son he had so lately pardoned, and declared that he should be ruined if he did not yield to him this point. Monmouth was firm : he recovered the paper, and was banished the court. He immediately betook himself to Holland, and was received with great kindness and distinction by the Prince of Orange.\*

Hampden was now the only member of the council of six whose doom remained uncertain. The flagrant violation of justice which had been committed in the case of Sidney had startled even the easy consciences

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A.D. 1684.

\* Burnet. Welwood's Memoirs—and Appendix.

CHAP. of the Tories ; and although the Duke of York could  
X. write to the Prince of Orange that all went on well  
A.D. 1684. since the jury had returned their verdict against  
Sidney,\* his triumph met with but a faint response  
from any moderate men even of his own party.  
Hampden had the benefit of the discontent which  
his friend's death had occasioned : since no second  
witness could be produced to convict him of treason  
he was indicted for a misdemeanor, a charge upon  
which the evidence of a single person is sufficient.

Howard was, of course, again produced, and fortified by copies of his former narratives, repeated his thrice-told tale. In this case Howard was left alone, there were no circumstances to fortify his statement ; and, according to the universal practice of our courts, which has been never to convict an accused person upon the evidence of an accomplice, unless there are strong corroborating circumstances to fortify that evidence, Hampden should have been acquitted. But Jefferies was the judge ; the brutal ferocity which had triumphed over the dignity, intrepidity, and eloquence of Sidney, would hardly fail on an inferior occasion. Jefferies told his jury, that unless they brought in a verdict of guilty, they would discredit the plot ; a worthy argument from such a man to such men. They responded to it by their usual

\* Dalrymple.

verdict, and Jefferies, not to be outdone in zeal, set a fine upon Hampden of £40,000, the most enormous fine which had ever been imposed by that court, and which amounted, in his case, to imprisonment for life.

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A.D. 1684.

The government refused every offer to compound for this fine, and when a statement was made of the miseries the prisoner suffered from the closeness of his confinement, and another offer was made for his release, the answer received was, that they had rather he should rot in prison, than the whole sum should be paid.\*

Such was the fate of the leaders of the people. Having struck down these, the court continued to seize subjects for punishment from the ranks; none who had by any act made themselves obnoxious to

\* From a tract called A Display of Tyranny. "After being ten months," continues the author, "in the marshal's house in the King's Bench, they put him in the common prison, where he was kept ten or eleven months very close. They then contrived a writ, called a long writ, to reach his real and personal estate, whilst he was thus a prisoner. After this he heard a new witness appeared, which was after the defeat of the Duke of Monmouth. He was then sent close prisoner to the tower by Lord Sunderland's warrant; and put into such a room where he had no conveniency, and with two of the rudest warders in the tower to lie in the room with him. After seven or eight weeks he was removed to Newgate, where he was kept close eleven weeks. His friends offered money for his pardon to some in power, who were the Lord Jefferies and Mr. Petre, the sum was £6000, and that was effectual."

CHAP. the court were safe, either in their lives or proper-  
X. ties. In Scotland every desperate ruffian was encour-  
A.D. 1684. aged to accuse those whom the government of that  
oppressed country chose to suspect, and as the mem-  
bers of the council there commonly participated in  
the confiscated spoils of the victims, they were, of  
course, eager to select objects for prosecution. The  
torture was in that country, now entirely governed  
by the Duke of York, in daily use. Spence, a  
servant of Argyle, underwent the dreadful infliction  
of the boots with the unflinching fidelity of a clans-  
man. Lord Perth was made chancellor; he had  
recommended himself to the duke by a faithful imita-  
tion of his patron's conduct, he could look on unmoved  
while the instruments of torture were doing their  
terrible work; no agony could excite his commise-  
ration; no firmness could command in him respect.  
He sat the presiding demon of this terrestrial hell,  
and his was the voice which always called for new  
tortures, and prolonged the pangs of the wretches who  
lay in their blood before him. This man conducted  
the examination of Spence. When the first torture  
proved ineffectual, the prisoner was remanded to  
prison, and for nine days and nights he was kept  
without sleep. This tedious process proving equally  
useless, another was devised; the inquisitors pre-  
pared little screws of steel, and with these they  
screwed his thumbs, producing a torment too exqui-

site for human nature to endure. While in the extremity of agony Lord Perth declared, that he would screw every joint in his whole body thus until he took the oath. The poor man sank under this, but even in this extremity, he capitulated upon the terms that no other questions should be asked of him, than those already agreed upon, that he should receive a pardon for himself, and should not be obliged to appear as a witness. He then confessed that he knew the cipher of some letters which his master had written to some persons, among whose papers they had been found. He deciphered the letters, and from them the council learned what Argyle had demanded to commence an insurrection, and what he had undertaken to effect, if the sums he asked were advanced.

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Carstairs, a preacher, was subjected to the same torture, and though he was likewise compelled to a confession, he preserved, under all his sufferings, some important secrets which he possessed relative to the Prince of Orange, and spoke only to some discourses of taking off the duke.

Upon the information thus barbarously obtained, the Earl of Tarras, and several others, were arrested; but the chief object of their vengeance was Baillie of Jerviswood, one of the members of the mission to England. This learned and good man had been languishing in prison since the discovery of the plot,

CHAP. and his treatment had been so cruelly severe, that  
 X. he was now evidently dying.\* A natural death  
 A.D. 1684. would not satisfy the court; Tarras and his fellow  
 prisoners were terrified into giving evidence against  
 him; nothing that could be even thus collected  
 amounted to any plausible proof of treason, but juries  
 could be packed in Scotland as well as in England,  
 he was found guilty and executed with eager haste  
 that same day, lest death should deprive them of their  
 victim.†

As though the Rye-house plot was not a sufficiently  
 copious source of judicial murders, the affair of Both-  
 well-bridge was revived. Circuits went round the  
 country, the test which the duke had enforced at  
 the point of the bayonet, apparently from an abstract  
 love of persecution, since it was so essentially Pro-  
 testant that he himself could not take it, was still  
 offered, and those who wished to escape both that  
 and the penalties of treason, were obliged to pay  
 largely for their impunity. The protection of the  
 chancellor was not to be cheaply purchased.‡

\* His wife was denied all access to him, although she offered to be put in irons with him if it was feared she might assist him to escape.

† James relates this murder thus laconically in a letter to the Prince of Orange: "As for news,

one Baillie of Jerviswood, one of the conspirators that was taken here and sent to Scotland, being a Scotchman, was hanged, drawn, and quartered there last week."—

*Dalrymple.*

‡ Burnet, vol. i., p. 585.

These horrors were however enacted at a distance; scarce an echo of them could reach the throne, and little of them was known in England. To the Duke of York, a congenial administrator of a country whose laws required the use of the rack, every thing connected with that country was intrusted, and the king signed, without hesitation or inquiry, whatever his brother submitted to him relating to this part of his dominions. Other scenes of the same great tragedy were however displayed before Englishmen.

In cases of treason, a sentence of outlawry, after the expiration of a year, is equivalent to a conviction; but if the outlaw surrender himself within that time, the law allows him a trial. Holloway was taken in the West Indies before the expiration of the year. The first intention with regard to him was to execute him without a trial; but as he appeared penitent, and promised to confess, a trial was offered him, in order only, as the Duke of York admits to the Prince of Orange, that his confession might be more public and unexceptionable.\* Holloway, however, declined the useless form, and pleaded guilty. As he could remember nothing but treasonable conversations, and could not be induced to say more than he knew, the court pretended to think him insincere, and hanged him upon what he had already said. His statement

CHAP.  
X.

A.D. 1684.

\* Dalrymple.



CHAP. upon the scaffold, however, went no further; and  
 X. even Tories, if unconnected with the court, now  
 A.D. 1684. began to lose their confidence in the evidence of  
 Rumsey and West.

It was probably a sense of the infamy which now attached to these men that prompted the next act of despotism. Within the twelvemonth after his outlawry, Sir Thomas Armstrong was seized at Leyden, and sent over to England. This gentleman had led a dissolute life, and was, upon the breaking out of the plot, so alarmed by the prospect of death, that Hampden, who saw him at that time, said he was convinced, if taken, that he would do any thing that would save his life.

The king, who knew him, had a similar opinion of him. The subject of the plot was almost worn out; the excitement and credulity it had produced had passed their flood; it was important to prevent a reaction. If Armstrong were tried, and by any chance acquitted, the whole plot would be immediately, by that verdict, declared a fabrication;\* but if certainly in the power of the crown, there was no confirmation of the plot which they might not hope to terrify him into making. Jefferies therefore was

\* I mean the plot for which Russell and Sidney were tried, confessed themselves guilty of treason, although not of the treasonable facts for which they died, nor since to this party only did Armstrong belong. The others had indeed of any *plot* at all.

instructed to hand him over to the sheriffs for execution, without any trial whatever—a service which that judge readily undertook.

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Armstrong, however, surprised both his friends and his enemies, and exhibited in his death, and the trying circumstances that preceded it, a courage and constancy which neither had supposed him to possess. When examined before the council, he said he knew of no plot but the popish plot.\* He demanded a fair trial for his life ; he said he asked no more.

He was then carried before Jefferies, who thoroughly performed the work he had undertaken. When the attorney-general prayed execution, Armstrong insisted upon his right to a trial. The statute, he said, was express, that if an outlaw came in at any time within a year, he was to have a trial, notwithstanding his outlawry ;† that in his case there were several months of the year yet to run, and that he was legally entitled to this time to deliberate upon his coming in. Jefferies treated this appeal with his ordinary brutality. He pretended to draw

\* Burnet, vol. i., p. 578.

† A statute of 6 Edward VI., which altered, in cases of high treason, the rule of law, by which, if a person was beyond sea when an outlawry was pronounced, it was an error in fact. There is a proviso in that statute, that, if

the person outlawed shall, within a year after the outlawry be pronounced, come in and yield himself to the chief justice of the King's Bench, and offer to traverse his indictment, and on his trial shall be acquitted, he shall be discharged of the outlawry.

CHAP. a distinction between a voluntary surrender and a  
X. forcible arrest, and, conscious of the weakness of this  
A. D. 1684. answer, had recourse to violence, and refused to hear  
the point argued by counsel—a decision no less  
impudent than the whole of his conduct was atrocious,  
since it was in direct contempt of what even he always  
acknowledged to be a prisoner's right. When Armstrong  
insisted that he asked nothing but the law, Jefferies  
concluded the business with an inhuman sarcasm, which  
was almost worthy of his master. He should have it,  
he said, to the full, and immediately ordered his  
execution within six days.

Armstrong died with the greatest composure, and  
exhibited, at and before his execution, signs of  
earnest penitence; yet in his last paper he denied  
that he ever knew of any design against the king's  
or the duke's life, or was in any plot to alter the  
government. The sentence of treason was executed  
upon him with all its barbarities, he was carried to  
Tyburn in a sledge, and was quartered, and his  
quarters hung up. A disgusting exhibition of the  
hatred and disappointment of his prosecutors.

Armstrong's last paper contained a passage which  
excited much conversation, but drew forth no reply;  
a circumstance which was attributed to the command  
of the personage whom it implicated. It is said that  
the king, wishing to palliate the palpable injustice  
which was inflicted upon Armstrong, had, immediately

after his condemnation, published a story through the court, and told it to all the foreign ministers, that Armstrong had been sent over by Cromwell to assassinate him when in exile : and that he having been warned of the design, challenged him with it, who confessed it with such signs of contrition, that Charles promised him never to speak of it any more as long as he lived. He added, that now, since the man was dead in law, he was absolved from his promise.

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The story reached the condemned man, and it aroused in him resentments and passions which he appeared to have forgotten ; his first indignant denial of this false and improbable fabrication was couched in terms, which Dr. Burnet, who attended him, thought too strong for a dying penitent. It was much softened in the paper he delivered to the sheriff ; in that he contented himself with proving the falsehood. He had never, he said, been beyond sea but once, and, upon that occasion, he had been sent by the Earl of Oxford, and other cavaliers, with a considerable sum of money, a present to the king. This commission he executed, and brought back letters of thanks to those who sent him. Cromwell, he went on to show, having a suspicion of the object of his journey, seized him and put him in confinement, where he remained almost a year, and upon the merit of this service and suffering he was made a

CHAP. captain of horse soon after the restoration. The  
 X. absurdity of a story which asserted that the king had  
 A.D. 1684. made a man lieutenant of the first troop of his body-  
 guard and gentleman of the horse, for these offices  
 Armstrong had held, who had been detected in a  
 design to assassinate him was too evident to require  
 exposure, and would justly expose the whole story to  
 considerable doubt, had we not the printed paper in  
 which the charge is answered,\* and no reply in  
 which it is disavowed.

The effect which this proceeding had was shown  
 soon after upon the trial of Hayes, a banker, who, it  
 appeared, had corresponded with Armstrong while  
 abroad. Jefferies's violent harangue against the pri-  
 soner was in vain, the evidence was defective, and  
 although he outdid himself upon this occasion in his  
 attempts to drive the jury into a conviction, they  
 brought in a verdict of not guilty. This was the  
 first proof the Tories gave of returning sanity.†

Charles did not scruple to avow publicly the service  
 which Jefferies had performed in putting Armstrong  
 to death without a trial. When he saw him at Windsor  
 soon after, he took a valuable ring from his finger

\* The printed paper, however, Burnet, who saw and prevailed  
 only complains of Charles having upon Armstrong to alter the first  
 called him a spy of Cromwell's. paper he had written on this sub-  
 The story of the assassination ject.—*State Trials*, vol. x., p. 128.  
 depends upon the authority of † *State Trials*, vol. x., p. 307.

and gave it to him. This ring was called Jefferies's blood stone.

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The king added a piece of advice, which showed that he was well aware that he was committing the lives and fortunes of his subjects to the arbitrament of a drunken ruffian. "You are going the circuit," he said, "and it is a hot summer, pray do not drink too much." Advice not unnecessary to a man whose natural ferocity drinking increased into a furious madness. What would the present age think of a party of cabinet ministers—Jefferies was one—riotously drunk, *stripped to their shirts*, and unanimous in their resolve to climb up a signpost and drink the king's health upon the top of it?

The debauch to which I allude, took place in the following year, at Alderman Duncomb's; and the Earl of Rochester, lord high treasurer of England, was one of the most eager of this crew of bacchanals to exhibit his loyalty astride the signpost.\*

Such were the men who sat in judgment upon Russell and Sidney. Such were the men whose every sentence a triumphant party was ready to ratify. We may smile when we picture to ourselves the actors of this scene in the high celebration of

\* Reresby's Memoirs, p. 231. vented the execution of this  
He says an accident only pre-rational design.

CHAP. their drunken orgies ; but who can help checking  
X. such a smile with the reflection, that the best blood  
A.D. 1684. of England had flowed in vain to deliver the country  
from these stripped and reeling statesmen, and that  
they still guided the destinies of a mighty nation !

## CHAPTER XI.

Persecution of the Whigs and of the dissenters—Summary of the evidence as to the Rye-house plot—Changes in the ministry—Influence of the Duke of York—Intrigue against him—Death of Charles—Review of the conduct of the two parties during his reign—The Oxford decree.

AFTER a relation of the tragic fate of the Rye-house conspirators it might seem trifling to notice minor acts of tyranny ; but, perhaps, these show with equal force the prostrate condition of the Whig party, and the insolence of the dominant Tories, since they were exercised upon men who, for the most part, could not be considered as objects of alarm. Many of the prosecutions partake of a political intolerance which has been usually confined to religious dissensions. In no part of England was the utterance of a Whig sentiment without its attendant danger. A man named Gutch, at Wells, dared to express an opinion that the king was ac-

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CHAP. countable to his people : the observation was heard  
 XI. and repeated, and for it Gutch was tried, convicted,  
 A. D. 1684. put in the pillory, bound over to his good behaviour,  
 and fined two hundred pounds.\* Sir Samuel Barnardiston had, in some private letters, reflected upon the conduct of the court, and expressed a hope that Sidney would not be put to death : these were intercepted, and Sir Samuel was fined £10,000 for these confidential communications. A man named Elias Best had drank to the pious memory of honest Stephen College ; for this offence he was tried at the bar of the King's Bench, and sentenced to pay a fine of £1000; to stand in the pillory at Westminster, at the Exchange, and at Guildhall, an hour each place, to be bound to his good behaviour for life, and to be committed until all this was done.

Harris, an attorney, for speaking disrespectfully of the king was sentenced to stand in the pillory at four different places throughout the country, and to pay a fine. A man named Cawdson was similarly treated for a similar offence. The printers did not escape ; the instances of their fines, imprisonments, and pillories are too numerous to mention ; there were few who had ever dared to publish a Whig pamphlet, that might not be seen occasionally subjected to the peltings of a Tory mob.

\* Narcissus Luttrell's Brief Historical Relation.

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Private individuals now took up the war; every word of reproach that had been used during the feverish excitement of the popish plot was called to mind, and visited severely upon the indiscreet libellers. None will feel sorry to find Oates among the number of the sufferers. The Duke of York brought an action against him for *scandalum magnatum*, in calling him a popish traitor. The zealous jury gave the full damages demanded, £100,000. This sentence of imprisonment for life was well deserved, but few will deem the verdict very justly proportioned to the value of the character of the duke. Oates's followers, who were yet living, were soon distributed throughout the town in the numerous pillories—a single instance of Tory justice during this reign. The Duke of Beaufort, Lord Peterborough, and many other Tory noblemen imitated the example of the Duke of York, and the juries to whom they appealed readily gave such damages as amounted to a perpetual imprisonment. The Earl of Macclesfield proceeded against a grand jury which had presented him, for their libellous presentment, and others took a still bolder step; they filed a criminal information against Williams the speaker of the late house of commons for injurious aspersions upon them, which he had printed by order of the house. There is hardly any extravagant act which some members of a dominant party may not be found ready

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to perform to celebrate their triumph, but this was thought to be done by the creatures of the duke, to destroy any idea of calling a parliament together. It was not to be supposed that any house of commons would endure that their speaker should, after their dissolution, be punished for their acts.

This political persecution was not, however, unmixed with others of a religious nature. The Tories, in their day of humiliation, had been zealous against popery; many of them were now so cordially and so eagerly supporting the Duke of York, that when they raised their favourite cry of church and king, it might seem that they meant no king but him who possessed the hereditary title, but any church which he might choose to establish. They expended, however, all their tolerance upon popery, they had none to bestow upon their protestant brethren. These severely felt the altered state of parties, and suffered the greatest severities. In Scotland the court managed, by a forced construction of a penal act, to place half the estates of the nonconforming gentry at their mercy.\* In England excommunications were common, and ruinous penalties yet more so. They were proceeded against for not going to church, and even for not receiving the sacrament. Attending a conventicle was a certain

\* Burnet.

cause of prosecution, and Jefferies seemed inclined to hold, that it was an overt act of high treason.\*

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These minor persecutions, although suggested and carried on by the malice of a party which was exasperated by recent humiliation, were protected and countenanced only by the Rye-house plot. There is a portion, perhaps a large portion, of the people of England which is destitute of any consistency in party feeling, alternately supporting and abandoning either party, and obeying, unconsciously, every breeze of popular feeling which skims the surface of the waters of politics. These men are by no means the least violent partisans while absolutely engaged, but since they are less bigoted than the regular members of either party, are accustomed to change, and calling themselves of no party judge the acts of each ; it is they who, in every violent impetus of national feeling, are usually found the first to pause. Easily excited, they are, nevertheless, capable of conviction ; they do not continue for the sake of consistency in a course to which they were first urged by passion.

This important body had been caught by the fable of the Rye-house plot ; little reflective, in the first moment of excitement, the plot of assassination, and the providential escape, were eagerly believed, and

\* See Roswell's case, State Trials, vol. x

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inspired all the horror which such a deed ever must inspire in a generous nation. Upon this story, the plot, as they understood it, rested. The Rye-house was, in their idea, the great feature of the conspiracy; the consultations of the Whig leaders were only looked upon as evidence of their participation in the Rye-house assassination-plot; the clergy declared this from the pulpit; the government used every art to perfect the delusion, and a public thanksgiving,\* throughout England, produced a thousand sophistical harangues, in which the offences of the accused persons were ingeniously confounded. The people were deceived with a generous horror of the designs imputed, and they joined the Tories. Without their support, without this popular delusion, Charles had not dared to spill the blood of Russell or Sidney.

Yet no Rye-house plot existed. The declarations of dying men, some of whom might have lived if they would have stated that it did exist, prove this fact. The Rye-house conspiracy was, in the language of the time, a sham plot; since the attempt at assassination, the grand circumstance which alone

\* Upon several of the churches in London was found pasted a copy of these rhymes, upon the thanksgiving day:

“ Ye hypocrites forbear your pranks,  
To murder men, and then give thanks.  
Forbear your tricks, pursue no further,  
For God accepts no thanks for murder.”

justified in the eyes of the nation the severities which ensued, was an entire fabrication of suborned witnesses. The fluctuating portion of the people rose in a body, when they heard that an attempt to assassinate the king had been foiled by the hand of Providence, and that the most influential noblemen were implicated in the design. They would have listened listlessly had they been only told, that a party of desperate men, without character or station, had talked of killing the king, and were known to speak treason in a chamber of the Temple. Had the truth alone been told, the nation would have estimated them as mere braggarts, who were too open in the counsels to excite much apprehension as to their deeds.\*

\* I may here give another instance which renders the fact that the assassination plot was a fabrication indisputable. To the declaration of all the other persons, who died upon this account, was afterwards added that of Rumbold, who it will be remembered was proprietor of the Ryc-house, having obtained it by marrying the widow of a maltster, to whom it had formerly belonged. This man had been a lieutenant in Cromwell's army; he had followed his great captain in his campaign in Scotland, and

he had been on duty, as one of the guards, about the scaffold at the execution of Charles the First. (Fountainhall's MS. Memoirs—and Decisions—Fox's Appendix, clvi.) At the breaking out of the plot he escaped, and he afterwards joined Argyle's unfortunate expedition in 1685. He was now 63 years old, and boasted that he had been in arms against those two idols, monarchy and tyranny, ever since he was nineteen. Rumbold was, therefore, a stern and fearless republican. Upon the dispersion

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I have dwelt thus minutely upon the incidents of the Rye-house plot, because it was essentially a party affair. The popish plot had been the madness of a nation, this was the headlong vengeance of a party ;

of Argyle's army, he was taken at Lesmahago, but not without a desperate resistance, in which he killed one and wounded two of his numerous assailants; he fell, at last, covered with wounds, and was, when secured, so near death, that however desirable it might be deemed that he should suffer in England, it was impossible to remove him there without danger that their vengeance would be disappointed. Such a man could have no incentive to deny the project of assassination had it ever existed, he had nothing either to hope or fear from an avowal of the truth either way; yet upon his trial "*he absolutely denied any knowledge of that designed murder;*" and it affords a curious proof of the discredit into which this plot had fallen, that upon this denial the king's advocate passed from that part of the charge, and insisted singly upon the point, that the prisoner had associated himself with the late Earl of Argyle, a forfeited traitor, and invaded

Scotland, &c. Upon receiving his sentence, Rumbold only replied, that he wished he had a limb for every town in Christendom. Being asked if he owned the king's authority, "he craved leave to be excused, seeing he needed neither offend them nor grate his own conscience, for they had enough whereon to take his life besides." After condemnation he did not reject the consolations of religion, and, upon the scaffold, he prayed for the party which he owned, and declared that if every hair of his head were a man, he would venture them all in their cause. Was this a man likely to deny, at his death, any act of a political nature in which he had been engaged? Yet Rumbold's dying words were, an indignant denial of any knowledge of intended assassinations. "I was too well known," he added, "for any one to have had the imprudence to make any such proposition to me."—*Ralph*, vol. i., p. 872; *Fountainhall's MS.*, ubi supra, *For.* p. 216.

of a party, it is true, aided by the co-operation of others who seldom acted with them, but still of a party. The addresses which passed round the kingdom—the unanimity of juries in all parts of the country—above all, the unblushing avowals of the writers who have related and defended it—all pronounce it to have been of Tory offspring. Of these last the most resolute and unhesitating vituperator of the sufferers is Roger North. His examination of Kennett's History is perhaps the choicest collection of cool and audacious misrepresentation that ever issued from the press. Although written long after the events it discusses had passed away, it yields in undisguised partiality and party violence to none of those contemporaneous pamphlets which described the exuberant prosperity of Toryism. The people, the parliament, and the court, joined in the prosecution of the popish plot. The court, and a portion of the people only, were engaged in this. The Whigs were utterly incredulous; and so notorious was this incredulity, and so great the talent and strength of that party, that the prosecutors of the plot dreaded the meeting of a parliament, as the annihilation of their instrument of vengeance. According to the best historical evidence the Rye-house plot was, although not in its origin, certainly in its prosecution and its after design, a



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scheme of the Tories to destroy the Whig party—a scheme in which for some time they succeeded in obtaining the co-operation of all the neutral part of the nation.

It is scarcely necessary to notice any new marks of degradation which England suffered from foreign powers, while all the power and prudence of her rulers were exercised against herself. Luxemburg sold for a million livres, and even Englishmen assisting in the disgraceful exploit.\* Genoa bombarded in

\* Burnet, in his memorial to the Princess Sophia, says, “ Affairs abroad went all wrong ; for as the king was guarantee of the peace of Nimeguen, we suffered the French to lop off Strasburg from the empire, and to take Luxemburg, without so much as crying halt. But instead of it some noble English volunteers went to signalize themselves at the siege, and it was observable, the French king being at Chantilly just before his armies marched for Flanders upon that expedition, he was made acquainted that several young English noblemen waited, who desired the honour to kiss his majesty’s hand. They were no sooner introduced, but the king told them, “ Ho Messieurs Anglois ! il y a de l’honneur

à gagner devant Luxembourg.” My Lord Cornburie, Lord Cholmondeley, and Mr. Howard, son to the Earl of Carlisle, were the persons, of whom the latter died in the bed of honour at the siege ; the two others are yet living. The French made themselves masters of more places and countries during the peace, and under the umbrage of our guaranty, than if the war had continued.”—p. 53. The great object of Louis’s ambition at this time, was to obtain the election of the dauphin as King of the Romans. In this view the possession of Luxemburg and Strasburg, from the paramount influence it gave him over the four Rhenish electors, was of the utmost importance.

defiance of the rights of nations, and England looking on with apathy; Louis encouraged in all his acts of rapacious ambition; Tangier abandoned. These had been the most recent features of England's foreign policy.

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During this year some changes were made in the ministry, but none which had any effect upon the relative situation of the two parties. Jenkins was dismissed from his office of secretary; as Burnet says, because he had now done all the drudgery that the court had occasion for him to do; or, as his biographer says, he resigned it on account of ill health, and Godolphin, a man of rather versatile politics, of no great energy, and of no very extraordinary talent, succeeded him. Godolphin will be remembered as one of the chits; he will hereafter appear more prominently upon the political stage. By his advancement a commissionership of the treasury became vacant; and as Deering, another commissioner, died about the same time, the Earl of Rochester, thus rid of his two colleagues, aspired to the office of lord treasurer. In this juncture, however, the influence of Lord Hallifax revived. Rochester's extensive peculations had been severely felt by the minions of the court: these, in the present indigent state of the king, had contributed not a little to the stoppage of all payments to them; his unpopularity increased as the funds upon which they had subsisted dimi-

CHAP. nished ;\* and when Hallifax and North joined their  
 XI. interest against him, the king was easily persuaded  
 A. D. 1684. to name two additional commissioners without consulting the earl. Rochester, therefore, resigned the place of first commissioner, and the king, to avoid an open rupture, dismissed the Earl of Radnor from his place of president of the council, and appointed Rochester his successor. As this was a place superior in rank, but far inferior both in influence and emolument to that he had resigned, his translation drew from Hallifax a remark, that “ he had heard of many being kicked down stairs, but never of any one

\* Burnet gives the following instance of the manner in which Charles supplied the wants of his courtiers, when his exchequer no longer contained funds commensurate with their demands :

“ The title of baronet is now generally bought by new-raised people, who want to be made gentlemen. I know myself an old courtier to whom King Charles II. gave a good number of blank patents of this sort, instead of present money to reward his services, and he was allowed to fill them up as he could find chapmen to buy them. I have heard, and do believe it, that some of these patents have been pawned to a tailor, and there lain to be disposed of, for want of

money to pay for new clothes. I am myself now actually acquainted with a gentleman, whose father was as miserable as poverty could make him, his mother selling salt in a poor country-market to get her bread by, yet an estate accidentally raised by an uncle, who was a common carrier, hath given this man and his wife the vanity to become a baronet. He gave a good sum for it to the courtier before mentioned, who was Sir Herne, of Cressy Hall in Lincolnshire, father to my Lady Fraser, wife to Sir Peter, now at the court of Hanover. The new made baronet is Sir Paul Jkinson, of Waton, near Chesterfield, in the county of Derby.”—*Memorial*, p. 76.

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who had been kicked up stairs before." Upon this arrangement Godolphin, who was impatient of the labour which the secretaryship imposed, became first commissioner of the treasury, and was created a peer. The Earl of Middleton, a man who is described as "a man of a generous temper, but without much religion, well learned, of a good judgment, and a lively apprehension," succeeded to the vacant place of secretary.\*

The Earl of Rochester soon grew disgusted with his situation at court, and the duke's influence procured him the government of Ireland; but the fickle temper of the king had become estranged from his former favourite, and he could not even confer this favour without coupling it with a mortification. The Earl of Sunderland suggested that it was imprudent to allow the lieutenant of Ireland to be also general of the forces there. The army, therefore, was put under independent control.

Burnet says, speaking of the remonstrances of Rochester against this division of his authority, that the king seemed to be the more pleased with it, since it affected Rochester so much. There is, however, some reason to suppose that the king's design was somewhat deeper than either Rochester or his enemy Hallifax could penetrate.

\* Burnet.

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Charles's absolute crown was not without its thorns. He had at this period of his reign lost that reckless gaiety, and that buoyancy of spirit, which had formerly attended him in every reverse, and through every difficulty. During the last two years he had become acquainted with the intrigues of Louis with the Whigs, and he had reason to believe that those intrigues were still carried on. He now felt, in all their bitterness, the effects of his secret alliances with France. Louis had secured his dependant, placed him in a position of hostility with his people, and rendered him powerless as an enemy ; he therefore treated him with contempt, stopped or delayed the payments of his pension, and had even the inefable meanness to threaten him if he complained of this treatment, that he would publish his infamy to the world, by putting his subjects in possession of the secret treaties.

Even his success at home had not brought him the happiness he anticipated. The Duke of York, as he had been the object of hostility to the Whigs, so he was now of the adulation of the Tories. After he had been placed again near the king, and had, in defiance of the Test act, been seated at the council board, his levies became far more crowded than those of his brother ; and it is said that his antechamber was often thronged with obsequious petitioners, while

the king was left with scarcely sufficient attendants to form the semblance of a court.\*

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The king, who was far from destitute of penetration, and whose intellect was greatly superior to that of his brother, could not but reflect deeply upon his present condition, and retrace in thought the steps of guilt and bloodshed which had brought him to it. There is some reason to think that he now meditated some important movement, whether the calling of a parliament, or only a change in the spirit of his government, it is useless now to inquire; but certainly something beneficial to the nation, since it was something in which the Duke of York was not expected to concur.

Such was the state of affairs at the close of the year 1684. The disgrace of the Earl of Rochester, who was peculiarly a creature of the duke, was probably the first step towards the accomplishment of his design. The following is the uncertain account given by Burnet of this matter:

“There was at this time a new scheme formed that very probably would have for ever broken the king and the duke, but how it was laid was so great a secret that I could never penetrate into it. It was laid at Lady Portsmouth’s. Barillon and Lord Sun-

\* Waller said that Charles, to his death, had resolved that he spite the exclusionists, who would should reign while he was yet alive. not allow the duke to reign after

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derland were the chief managers of it. Lord Godolphin was also in it. The Duke of Monmouth came over secretly ; and though he did not see the king, yet he went back very well pleased with his journey ; but he never told his reason to any one that I knew of. Mr. May, of the privy purse, told me that he was told there was a design to break out, with which he himself would be well pleased ; and when it was ripe, he was to be called on to come and manage the king's temper, which no man understood better than he did ; for he had been bred about the king ever since he was a child, and by his post he was in the secret of all his amours, but was contrary to his notions in every thing else both with relation to popery, to France, and to arbitrary government ; yet he was so true to the king in that lewd confidence in which he employed him, that the king had charged him never to press him in any thing so as to provoke him. By this means he kept all this while at a distance, for he would not enter into any discourse with the king on matters of state till the king began with him, and he told me he knew by the king's way things were not yet ripe, nor he thoroughly fixed on the design. That with which they were to begin was the sending the duke to Scotland ; and it was generally believed that if the two brothers should be once parted they would never meet again. The king spoke to the duke concerning his going to Scotland,

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and he answered there was no occasion for it; upon which the king replied, that either the duke must go, or that he himself would go thither. The king was observed to be more than ordinarily pensive, and his fondness for Lady Portsmouth increased, and broke out in very indecent instances. The grand prior of France, the Duke of Vendome's brother, had made some applications to that lady, with which the king was highly offended. It was said the king came in on a sudden, and saw that which provoked him, so he commanded him immediately to go out of England; yet after that the king caressed her in view of all people, which he had never done on any occasion, or to any other person formerly. The king was observed to be colder and more reserved to the duke than ordinary, but what was under all this was still a deep secret. Lord Hallifax was let into no part of it; he still went on against Lord Rochester. He complained in council that there were many erasures in the books of the treasury, and that several leaves were cut out of those books; and he moved the king to go to the treasury chamber, that the books might be laid before him, and that he might judge of the matter upon sight. So the king named the next Monday, and it was then expected that the Earl of Rochester would have been turned out of all, if not sent to the tower; and a message was sent to Mr. May, then at Windsor, to desire



CHAP. him to come to court that day, which it was expected  
 XI. would prove a critical day ; and it proved to be so  
 A.D. 1685. indeed, though in a different way."

The same author, in his memorial to the Princess Sophia, states upon the same subject, that the Duke of York, after his return from Scotland, ruled all, and carried every thing at last to that height, that the king grew jealous and uneasy, and ordered his highness again for Scotland. One month's time was allowed to prepare his equipage, and before that expired King Charles II. died, the Duke of Monmouth not being in England.\*

This seems to be strengthened from the following paragraphs from the memorandum-book afterwards found in the Duke of Monmouth's pocket ; extracts from which have been printed by Welwood, in the appendix to his memoirs.

" December 19. A letter from L (probably either Hallifax or Sunderland), bidding me stay till I heard further from him (Monmouth was then in Holland)."

" January 5. I received a letter from L, marked by 29 (the king) in the margin, to trust entirely in 10 ; and that in February I should certainly have leave to return. That matters were concerting towards it ; and that 39 (the Duke of York) had no suspicion, notwithstanding my reception here."

“February 3. A letter from L, that my business was almost as well as done, but must be so sudden as not to leave room for 39’s party to counterplot. That it is probable that he would choose Scotland rather than Flanders or this country, which was all one to 29.”\*

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The Count D’Avaux,† Louis’s ambassador to the States, seems to have also entertained a suspicion that some intrigue had been in existence contrary to the interests of France, and he speaks of some papers to that effect found in the king’s closet.

That such an intrigue existed is therefore plain. Its object is less distinct. It is more probable that Burnet should be mistaken,‡ when speaking of the parties to a plot which he confesses he never understood, than that Barillon should countenance a scheme which must have certainly terminated to the disadvantage of France. D’Avaux, on the contrary, says,

\* James himself admitted this : “Lady Portsmouth began to entertain some thoughts of sending his highness back to Scotland ; and if the king had lived longer, it is probable she might have effected it.”—*Life of King James II.*, vol. i., p. 736.

† February 27, 1685.

‡ Burnet’s assertion that Halifax was kept in ignorance, seems to be contradicted by Resesby, who

says, that at this time he “received a very kind letter from my Lord Marquis (Hallifax), and others from very great persons, which gave him to understand there would probably be some further change at court ; that his lordship stood very firm with the king, and that it was believed the power of the French interest was somewhat abated.”—p. 186.

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going to an opposite extreme, but yet speaking more probably, that Charles had expressed the greatest indignation against France, and had forbidden Barillon to come to him again, except when an audience was formally asked, and granted through the master of the ceremonies.

It appears, however, from Barillon's despatch in Mr. Fox's\* history, that neither Burnet nor D'Avaux was correct. Barillon was quite ignorant of the intrigue, but was at this time himself intriguing for the removal of Hallifax, whose arguments for a session of parliament had given great offence to Louis, and whose recent bold defence of limitations to monarchy, expressed in open council, had given a specious pretence for calumniating him to the king.

The occasion of this manifestation of Hallifax's remaining partiality for constitutional government was this : Among the general crash of corporations, and the prevalence of *quo warrantos*, the company which ruled New England under a charter of James I. was deprived of its privileges. Charles had now bestowed the government upon Colonel Kirk, who had just been deprived of office by the abandonment of Tangier, and who became so infamous for his atrocities in the reign of James II. The question was debated in council what authority he should have.

\* Appendix, p. x.

Hallifax contended, with vehemence, that the laws and constitution of England should be extended to her colonies. The arguments by which he supported this opinion were of a nature by no means adapted to Charles's council-chamber: he dwelt upon the inconveniences of absolute power, and he eulogised that form of government where the power of the prince was tempered by the laws, and restricted by a free constitution; he concluded by declaring plainly, that he could never bring himself to live under a monarch, who had the power of taking the money in his pocket whenever he pleased. Hallifax was alone in his opinion, and it was resolved that the inhabitants of the colony should have no voice either in their government or taxation.\*

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Upon the whole it appears probable that this was a scheme devised by the more moderate of the Tory party, who were impatient of the absolute influence which the duke now enjoyed. These men were not inclined to turn Catholics, and had not lost all recollection that England had once a constitution; they were aware also that the duke looked upon them with distrust, if not with absolute dislike; and they were probably anxious to bring about the meeting of a parliament, in order that some limitations might be interposed between him and his

\* Barillon's Despatch, Fox, App. Corporation Case in the State p. vii. See also a note to the Trials.

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brother's power. In this they were supported by the Duchess of Portsmouth, whose motives it would be very difficult to assign, and by Charles, through love for her, affection for his son, and jealousy of his brother. Had the affair proceeded it would probably have ended in the restoration of the Whig party to power, perhaps, in a violent revulsion of feeling throughout the nation, and an act of exclusion ; consequences which the parties who contrived the measure certainly did not anticipate. But in the Whig party, crushed as it was, there was a mightily elastic power : it was dangerous to say how much pressure could be removed, without risking the overthrow of the remainder.

Such was the critical state of parties in February, 1685, when Charles's sudden death, which, occurring at so important a moment, did not pass without suspicion of poison,\* entirely changed the face of affairs. He died on the sixth of that month.

\* Burnet and several other Whig historians state this as a fact, and attribute it to the priests, to whom the Duchess of Portsmouth's confessor communicated the project of sending away the Duke of York, information which he had obtained from her under the seal of confession. Mr. Fox had heard from his father, who had, when a young man, known

the duchess, that she herself was of this opinion, and Burnet has a similar statement. See also a note to the octavo edition of that author. The Duke of Monmouth afterwards accused his uncle of murdering his father, but his manifesto, which was drawn up by Ferguson, is full of falsehoods. North is of course on the other side.

Thus terminated the most disgraceful reign in the English annals; a reign whose only redeeming feature is the noble struggle which the infant Whig party made against the tyranny to which they were at last forcibly subjected. Even this gratulation, excited by the refreshing thought that even in those days of adversity there were men whose exertions in behalf of their country ceased only with their lives, is repressed by the knowledge that although a minority of the nation approved their sentiments, and loved their cause, they suffered the sacrifice without an effort, and that a very large majority cheered on the tyrants in their acts of tyranny and their deeds of blood.

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We have beheld in this reign the rise of the two parties whose history we are tracing; we have seen them, during a long and stormy period, each acting in conformity with its principles. The Whigs, although reviled by their opponents as republicans, have shown themselves firm supporters of monarchy, and so fixed was this principle of their creed, that it was not shaken even by the manner in which Charles had shown them it could be abused. During all the prosecutions of the Rye-house plot, there was no genuine member of that party who suffered, without asserting, at his death, that he had never entertained any intention of altering the form of government.

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They however regarded the monarchy as a civil institution, established by the nation for the benefit of all its members, and they, consequently, regarded it both as lawful and proper to propose any modification which the circumstances of the times, or the advance of political knowledge should show to be conducive to the great end in view, the happiness of the people. Theirs was a creed which recognised no infractible rule of conduct, and no perfect and unalterable state of government. Their object was a free government, and they knew the justice of the remark of Machiavel, that “ a free government, in order to maintain itself free, hath need, every day, of some new provision in favour of liberty.” The Whigs, therefore, were sincere friends to the monarchy upon the grounds of expediency ; but, in order to be expedient, they held that it must be strictly limited ; and, in order that these limitations might be effectual, they held that the people had a natural right to resist, by force, any sovereign who should attempt to break them. These principles they had during this reign strictly acted by.

The Tories had shown themselves a party rather of religionists than of politicians. Their political creed was part of their religion, and consisted of principles for which they claimed a divine origin ; they thought they could read in their bibles that

monarchy was a government of divine appointment ; that the monarch was the delegate of heaven, and they, therefore, considered that to resist him was to rebel against their God. Such principles as these could, of course, yield to no human modification, and could never be made to bend to any sense of human expediency. Even they, however, drew a distinction between an active and a passive resistance ; the former they thought no circumstances could justify ; but if the prince should command any act inconsistent with the laws of God, which, according to their interpretation, would, of course, include inconsistent with their scheme of politics, it was then incumbent upon the subject to refuse obedience to the command ; but, at the same time, to submit, without a murmur, to any punishment, even death itself, which the monarch might think fit to impose for such refusal.\*

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The only sect in England which admitted these doctrines as essential articles of religion, and there-

\* Even this, however, was moderate Toryism, such as was advocated by Sherlock, Hicks, and Sancroft. There were not a few who followed Brady and Filmer, the latter of whom plainly declares, that "a man is bound to obey the king's command against law, nay, in some cases, against divine laws."—*Partriarchia*, p. 100. Sir Robert Filmer lived before the revolution, and since his work was so well known to Sidney, it was probably printed in the author's lifetime. It does not, however, appear to have been much read until the appearance of the edition of 1685.



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fore necessary to salvation\* was that portion of the church of England which was called the high church party.† The members of this part of the national church looked upon episcopacy as an institution of origin as unquestionably divine as monarchy; and while they inculcated such entire submission to the constituted authorities of the state, in temporal matters, they were equally strict in requiring a similar obedience to the authorities of the church in spiritual matters. The Tories were therefore, upon principle, intolerant in matters of religion. To use the distinction drawn by Secretary Walsingham, in the time of Elizabeth, they persecuted the Catholics as catholics in conscience:—the Whigs persecuted them as catholics in faction. The Whigs dreaded them as political enemies, and strove to keep them down, because they were then allied with the foes to their liberties; the Tories classed them with all other dissenters from their church, and joined in the persecution because they were heretics. They continued this persecution until the crown interposed, in

\* See the exhortations of the bishops to Monmouth at his execution.

† It was also called the Laudean church. See Mr. Samuel Johnson's notes on the pastoral letter. Those church of England men who did not come up to their standard

of orthodoxy, were called Grindalizers and Trimmers, and their parish churches were declared to be little better than conventicles. See a tract of the time, with the title, "Parish Churches turned into Conventicles."

accordance with their creed they then desisted : to  
 attack a client of the monarch would have been  
 an active resistance, which their religion disallowed,  
 but they proceeded with redoubled vigour against the  
 Protestant nonconformists, to whom no such protec-  
 tion was extended. During the whole of this  
 reign, therefore, the two factions acted consistently  
 with the principles which they acknowledged as their  
 rule of conduct.

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On the day that Russell suffered death, as though freedom had died with him, the University of Oxford published a formal renunciation of the liberties of England. On that day was passed, in convocation, a decree which is a negative assertion of the principles of the party, who have always considered that University as their great stronghold. All notice of this document was omitted, when speaking of the period of its publication, since it more naturally comes under consideration in a review of the principles and constitution of the two parties.

This enunciation of Toryism well deserves insertion at length, in a history of our national parties. It is called,

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*“ The Judgment and Decree of the University of Oxford, passed in their Convocation, July 21, 1683, against certain pernicious books and damnable doctrines destructive to the sacred persons of princes, their state and government, and of all human society.*

“ Although the barbarous assassination, lately enterprised against the person of his sacred majesty and his royal brother, engage all our thoughts to reflect with the utmost detestation and abhorrence on that execrable villany, hateful to God and man ; and pay our due acknowledgments to the Divine Providence, which, by extraordinary methods, brought it to pass that the breath of our nostrils, the anointed of the Lord, is not taken in the pit which was prepared for him, and that under his shadow we continue to live, and enjoy the blessings of his government ; yet, notwithstanding, we find it to be a necessary duty at this time to search into, and lay open, those impious doctrines, which, having of late been studiously disseminated, gave rise and growth to these nefarious attempts ; and pass upon them our solemn public censure and decree of condemnation.

“ Therefore, to the honour of the holy and undivided Trinity, the preservation of Catholic truth in the church, and that the king’s majesty may be

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secured both from the attempts of open bloody enemies and machinations of *treacherous heretics and schismatics*, we, the vice-chancellor, doctors, proctors, and masters, regent and non-regent, met in convocation, in the accustomed manner, time, and place, on Saturday, July 21, 1683, concerning certain propositions contained in divers books and writings, published in the English and also in the Latin tongue, repugnant to the Holy Scriptures, decrees in councils, writings of the fathers, the faith and profession of the primitive church; and also destructive of the kingly government, the safety of his majesty's person, the public peace, the laws of nature and bonds of human society, by our unanimous assent and consent have decreed and determined in manner and form following :

“ The First Proposition. All civil authority is derived originally from the people.

“ The Second. There is a mutual contract. tacit or express, between a prince and his subjects; and that if he perform not his duty they are discharged from theirs.

“ The Third. That if lawful governors become tyrants, or govern otherwise than by the laws of God and man they ought to do, they forfeit the right they had unto their government. (Lex Rex. Buchanan, de Jure Regni. Vindiciæ contra Tyrannos. Bellarm.

CHAP. de Conciliis, de Pontifice. Milton. Goodwin. Baxt.  
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“ The Fourth. The sovereignty of England is in the three estates, viz. king, lords, and commons. The king has but a co-ordinate power, and may be overruled by the other two. (Lex Rex. Hunton, of a limited and mixed monarchy. Baxter’s H. C. Polit. Catechis.)

“ The Fifth. Birthright and proximity of blood, give no title to rule or government ; and it is lawful to preclude the next heir from his right and succession to the crown. (Lex Rex. Hunt’s Postscript. Dolman’s History of Succession. Julian the Apostate.† Mene Tekel.)

“ The Sixth. It is lawful for subjects, without the consent and against the command of the supreme magistrate, to enter into leagues, covenants, and associations, for defence of themselves and their

\* Richard Baxter’s True History of Councils.

† Julian the Apostate was a tract, written by Mr. Samuel Johnson, chaplain to Lord Russell, defending resistance in extreme cases, against the propositions advanced by Dr. Hicks in some sermons, that the professors of Christianity ought to die rather

than resist by force not only the king, but all who are put in authority under him. This work probably contains the sentiments of Lord William Russell upon that important subject. See an account of it in the Appendix to Lord John Russell’s Life of Lord William Russell.

religion. (Solemn League and Covenant. Late Association.)

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“ The Seventh. Self-preservation is the fundamental law of nature, and supersedes the obligation of all others, whensoever they stand in competition with it. (Hobbs, de Civ. Leviathan.)

“ The Eighth. The doctrine of the gospel, concerning patient suffering of injuries, is not inconsistent with violent resisting of the higher powers in case of persecution for religion. (Lex Rex. Julian the Apostate. Apolog. Relat.)

“ The Ninth. There lies no obligation upon Christians to passive obedience, when the prince commands any thing against the laws of our country ; and the primitive Christians chose rather to die than resist, because Christianity was not settled by the laws of the empire. (Julian the Apostate.)

“ The Tenth. Possession and strength give a right to govern, and success in a cause or enterprise proclaims it to be lawful and just : to pursue it is to comply with the will of God, because it is to follow the conduct of his providence. (Hobbs. Owen’s Sermon before the Regicides. Jan. 31, 1648. Baxter. Jenkin’s Petition. October 1651.)

“ The Eleventh. In the state of nature there is no difference between good and evil, right and wrong ; the state of nature is a state of war, in which every man hath a right to all things.

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“The Twelfth. The foundation of civil authority, is this natural right ; which is not given, but left to the supreme magistrate, upon men’s entering into societies, and not only a foreign invader, but a domestic rebel, puts himself again into a state of nature, to be proceeded against not as a subject but an enemy ; and consequently acquires by his rebellion the same right over the life of his prince, as the prince for the most heinous crimes has over the life of his own subjects.

“The Thirteenth. Every man after his entering into a society retains a right of defending himself against force ; and cannot transfer that right to the commonwealth, when he consents to that union whereby a commonwealth is made. And in case a great many men together have already resisted the commonwealth, for which every one of them expected death, they have liberty then to join together to assist and defend one another : their bearing of arms, subsequent to the first breach of their duty, though it be to maintain what they have done, is no new unjust act ; and if it be only to defend their persons it is not unjust at all.

“The Fourteenth. An oath superadds no obligation to part, and a part obliges no further than it is credited : and consequently if a prince gives any indication that he does not believe the promises of fealty and allegiance made by any of his subjects,

they are thereby freed from their subjection, and notwithstanding their parts and oaths, may lawfully rebel against, and destroy their sovereign. (Hobbs, de Civ. Leviathan.)

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“The Fifteenth. If a people that by oath and duty are obliged to a sovereign, shall sinfully dispossess him, and, contrary to the covenants, choose and covenant with another, they may be obliged by their latter covenants, notwithstanding their former. (Baxter’s H. C.)

“The Sixteenth. All oaths are unlawful, and contrary to the word of God. (Quakers.)

“The Seventeenth. An oath obligeth not in the sense of the imposers, but the takers. (Sheriff’s case.)

“The Eighteenth. Dominion is founded in grace.

“The Nineteenth. The powers of this world are usurpations upon the prerogative of Jesus Christ; and it is the duty of God’s people to destroy them, in order to the setting Christ upon his throne. (Fifth Monarchy-men.)

“The Twentieth. The presbyterian government is the sceptre of Christ’s kingdom, to which kings as well as others are bound to submit; and the king’s supremacy in ecclesiastical affairs, asserted by the church of England, is injurious to Christ, the sole



CHAP. king and head of his church. (Altare Damas-  
 XI. cenum. Apolog. Relat. Hist. Indulg. Cartwright  
 A. D. 1685. Travers.)

“ The Twenty-first. It is not lawful for superiors to impose any thing in the worship of God that is not antecedently necessary.

“ The Twenty-second. The duty of not offending a weak brother, is inconsistent with all humane authority of making laws concerning indifferent things. (Protestant Reconciler.)

“ The Twenty-third. Wicked kings and tyrants ought to be put to death ; and if the judges and inferior magistrates will not do their office, the power of the sword devolves to the people. If the major part of the people refuse to exercise this power, then the ministers may excommunicate such a king; after which, it is lawful for any of the subjects to kill him, as the people did Athaliah, and Jehu Jezabel. (Buchanan, Knox, Goodman, Gilby ; Jesuits.)

“ The Twenty-fourth. After the sealing of the scripture canon, the people of God, in all ages, are to expect new revelations for a rule of their actions; and it is lawful for a private man, having an inward motion from God, to kill a tyrant. (Quakers, and other Enthusiasts. Goodman.)

“ The Twenty-fifth. The example of Phineas is to us instead of a command; for what God hath

commanded or approved in one age, must needs oblige in all. (Goodman, Know, Naphtali.)

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“The Twenty-sixth. King Charles I. was lawfully put to death, and his murderers were the blessed instruments of God’s glory in their generation. (Milton, Goodwin, Owen.)

“The Twenty-seventh. King Charles I. made war upon his parliament, and in such a case the king may not only be resisted, but he ceaseth to be king. (Baxter.)

“We decree, judge, and declare, all and every of these propositions to be false, seditious, and impious, and most of them to be also heretical and blasphemous, infamous to Christian religion, and destructive of all government in church and state.

“We further decree, that the books which contain the aforesaid propositions and impious doctrines, are fitted to deprave good manners, corrupt the minds of uneasy men, stir up seditions and tumults, overthrow states and kingdoms, and lead to rebellion, murder of princes, and atheism itself; and therefore we interdict all members of the university from the reading of the said books, under the penalties in the statutes expressed. We also order the before-recited books to be publicly burnt by the hand of our marshal, in the court of our schools.

“Likewise we order, that in perpetual memory hereof, these our decrees shall be entered into the

CHAP. registry of our convocation, and that copies of them,  
XI. being communicated to the several colleges and halls  
A.D. 1685. within this university, they be there publicly affixed  
in the libraries, refectories, or other fit places, where  
they may be seen and read of all.

“Lastly, we command and strictly enjoin all and singular the readers, tutors, catechists, and others to whom the care and trust of initiating of youth is committed, that they diligently instruct and ground their scholars in that most necessary doctrine, which, in a manner, is the badge and character of the church of England, of submitting to every ordinance of man for the Lord’s sake, whether it be to the king as supreme, or unto governors, as unto them that are sent by him, for the punishment of evil-doers, and for the praise of them that do well; teaching, that this submission and obedience is to be clear, absolute, and without any exception of any state or order of men. Also, that they, according to the apostle’s precept, exhort that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men, for the king and all that are in authority, that we may lead a quiet and peaceable life, in all godliness and honesty, for this is good and acceptable in the sight of God our Saviour; and in especial manner, that they press and oblige them humbly to offer their most ardent and daily prayers at the throne of grace, for the preservation of our sovereign lord,

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King Charles, from the attempts of open violence, and secret machinations of perfidious traitors, that the defender of the faith, being safe under the defence of the Most High, may continue his reign on earth, till he exchange it for that of a late and happy immortality."

This manifesto was printed, presented to the king, and conspicuously posted upon the gates of all the colleges and halls of the university. It will be noticed, that in it the Tories artfully mingled the essential articles of British freedom, with extravagances found only in the ravings of fifth monarchy-men, and the declamations of desperate republicans. In their eyes the whole appear to have been equally atheistical, and equally objects of wrath.

The Whig principle being one of continual progression, they have never been compelled to renounce it, that of the Tories being stationary, was therefore more inconvenient; but although the current of events soon tore away their grasp, and bore them far from their original support, they struggled long against its influence, yielded every foot with reluctance, and ever took advantage of any favourable conjuncture to win back a portion of the space between them and their original starting-point.

During the last four years of this reign the Tories had been supported with the whole power of the crown: the prerogative they vindicated had been

CHAP. uniformly exerted in their own service, and the king  
XI. himself had been but the head of their party.\* We  
A.D. 1685. shall see how their principles were preserved in the  
next reign.

\* Burnet's Memorial.

## CHAPTER XII.

State of political literature during the reigns of Charles II. and James II.

BEFORE quitting this division of our history it will be useful to glance at the state of political literature during the period of the reigns of Charles and his successor, since this is a subject which has exercised a powerful influence upon the acts and fortunes of the two parties.

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It is curious to observe the humble origin of those mighty vehicles of disputation, through which the contests of the different parties are now conducted. The parliamentary leader of the present day speaks to an auditory composed of the whole of the nation, the words yet ringing through the walls of St. Stephen's are caught up as they fall, and pass multiplied by a thousand echoes through every hamlet

CHAP. of the kingdom. In the reign of Charles II.,  
 XII. Shaftesbury and Hallifax, Hampden and Hyde were  
 A.D. 1660 heard only by the audience which they immediately  
 to 1688. addressed. Of the contest between the two noble-  
 men upon the Exclusion bill, so celebrated by those  
 who heard it, not a word remains; and of the  
 eloquence of the two commoners an imperfect sketch  
 only exists, traced by the hurried pencil of a member  
 of their house. Shaftesbury, indeed, occasionally  
 put forth pamphlets, containing, what he called, his  
 speeches, but, with the exception of that against  
 Cromwell's house of lords, they bear little impress of  
 that eloquence which all his contemporaries have  
 attributed to that orator, and appear rather heads of  
 arguments, expressed in much bolder terms than  
 would, at that time, have been tolerated by either  
 house of the legislature.

In the reigns of Charles and James newspapers had  
 not greatly increased in their pretensions, since the  
 time that Elizabeth had first established the "English  
 Mercurie,"\* to supply her subjects with certain intelli-

\* There are three numbers of (the first in the Museum) was  
 this curious paper preserved in the published on the 23d of July,  
 British Museum, (Sloane, MS. 1588, and contains the despatch  
 4106,) in print, and MS. copies which Sir Francis Walsingham  
 of several others. These numbers, had just received of the defeat of  
 probably, made their appearance the Armada. No. 51 appeared on  
 more frequently as the danger the 26th of the same month. This  
 became more urgent. No. 50 contains a continuation of the

gence of the amount of danger to be dreaded from the Spanish Armada, then approaching their coasts. This paper died with the event which gave it birth, but the advantages gained from its publication were not forgotten ; similar occasional publications had been renewed from time to time, and during the civil wars, each army commonly carried with it a printer to publish its successes. “The Weekly News Books” were then, of course, eagerly sought for, and the affairs

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admiral's despatches, and also some advices from Madrid, written, probably, at Whitehall, to keep alive the enthousiasm of the people. “Those who are best acquainted with the politiques of this courte,” says the Madrid correspondent, “talk of nothing lesse than the putting the Q—n's M—y to death ; the entire reduction of the Island of Great Britain to the King of Spayne's obedience, and the extirpation of such hardened wretches as shall refuse to returne into the pale of the Church. It is certaine, (though not publiquely divulged,) that severall instruments of torture used in the inquisition are put on boarde, and that above one hundred Jesuits, Dominicans, Mendicant Fryers, with *Martin Alaro*, vicar of the holy office, are dispersed about the Fleete, as best understanding the application of

such wholesome severities.” No. 54 was not published until the 24th of November. It contains a list of the losses of the Armada, is printed in smaller type, and the foreign correspondence is more artificially arranged. This paper contains an account of the queen's procession to St. Paul's, and is, probably, the concluding number.

It must be observed that the “English Mercurie” was, although much better written and printed than many of its successors, merely a *newspaper*, and though its few advertisements consist chiefly of answers to pamphlets, under the name of that well-known fictitious hero, Marprelate, there is no word of controversy or politics in its four quarto pages. Politics and controversy were left entirely to pamphleteers.



CHAP. of every town, in which the war raged, were circum-  
XII. — stantially related.

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to 1688. In Charles II.'s time there were many of these news books, under every variety of title, and appearing for the most part either with weekly or irregular intervals. It is said that previous to the death of Charles I. there had been published more than a hundred newspapers with different titles, and from that period to the restoration there were upwards of eighty others.\* The great majority, however, of these must be classed rather as pamphlets than newspapers, since they seldom continued beyond a few numbers, and most of them rather commented upon than communicated news.

Upon the restoration the number of these periodicals sensibly declined; but, perhaps, those which remained were more stable in their duration, and more respectable in their authorship. For a long time the title of "Intelligencer" had been a favourite name for these sheets of news. In 1663 Roger L'Estrange, so well known as a party writer of the time, started a paper, which he called "The Public Intelligencer, published for the satisfaction and information of the people." The editor of this paper held a very high reputation among the political writers of the time; he was, indisputably, at the head of the writers for the Tory party. What the state of poli-

\* Chalmers's Life of Ruddiman, p. 114. See also Appendix, p. 404.

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tical literature was in those ranks, we may learn from the character which Mr. D'Israeli draws of this their champion. "Sir Roger L'Estrange," he says, "who appears to have greatly surpassed his rivals, and to have been esteemed as the most perfect model of political writing merits little praise. The temper of the man was factious and brutal, and the compositions of the author very indifferent. In his multifarious productions and meagre translations we discover nothing that indicates one amiable sentiment, to compensate for a barbarous diction, and a heavy load of political trash. His attempts at wit are clumsy exertions; the awkward efforts of a German who labours on a delicate toy. When he assumes the gravity of the sage he seems more fortunate in extorting a laugh; burlesquing the most solemn reflections by quaint and uncouth expression."\*

It was not, however, in the *Intelligencer* that L'Estrange put forth the strength of his talent for political controversy. So little was his newspaper considered as any thing more than a mere chronicle of events, that upon the first appearance of the *Gazette*, he declined at once any competition with a publication, which bore upon its intelligence the stamp of authenticity.

The first number of the *Gazette* was, although

\* *Curiosities of Literature*, vol. i., p. 271.

CHAP. without date, probably published November 13,  
XII. 1665, while the court and parliament were at Oxford,  
A. D. 1660 and the plague raged in London. It was a half-  
to 1688. sheet, printed on Mondays and Thursdays, and is  
not only the only newspaper of that time which has  
continued to the present, but is also the only publi-  
cation which resembles the newspapers of the time  
of its establishment.

The fallibility of the Gazette, however, being soon discovered, several rivals were induced to start, commonly with little success, until the period of the popish plot. At that propitious moment, Benjamin Harris started "The Domestic Intelligence," which he afterwards called "The Protestant Domestic Intelligence," a paper published every Monday and Thursday. This paper was probably called into being by the two or three numbers which had just appeared of a paper bearing the same title, but published on Tuesdays and Saturdays by Nathaniel Thompson. Harris and Thompson were the two great party publishers of that day, and although the government, of course, still confided in their own Gazette, Harris's new paper was the organ of the Whigs. The opposition between this paper and the Gazette is chiefly discovered in their selection of information, each giving insertion to the fact or the rumour which was most favourable to the views of the party of which it was the organ.

This was done without comment ; neither of these newspapers possessed that first object of interest in a modern paper, the leading article.

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I have said these papers contained no controversial articles upon political matters ; the same silence was not preserved in matters of trade rivalry. Upon the appearance of Harris's paper that of Thompson contained an advertisement against it, which, as it is a rare and early specimen of newspaper abuse, may be worth insertion.

#### “ADVERTISEMENT.

“There hath lately dropped into the world an abortive birth (some fifteen days before the legitimate issue), by a factious, infamous, perjured antichristian, a senseless lying pamphlet, by the name of the ‘City and Country News’ (the second title of both papers). This is the first of his offspring that ever bore name, the rest being spurious and illegitimate, like his natural issue, which he either durst not own, or would not bring to the font to receive the marks of Christianity no more than himself. This pamphlet-napper and press-pirate hath cruised abroad since he put up for himself, to make a prize of other men's copies, to stuff his own cargo with ill-gotten profit, making his business cheating and usurpation, to defraud all men, and by factious libels to sow sedition amongst the people, and frighten allegiance from the

CHAP. subjects' bosoms. Now I have yourselves and all  
 XII. honest men to be judges, whether of the two be the  
 A.D. 1660 best intelligence; he having not only stolen from all  
 to 1688. other intelligences, but likewise from mine, to make  
 up his senseless scrawl, as particularly the relation of  
 Mr. Carte the jesuit, taken in St. James, which he  
 inserted in his for want of matter, three days after  
 the same was published by me, in a single half-sheet;  
 and this is the whole proceeding of this infallible  
 newsmonger."

To this tirade Harris vouchsafed no reply; but it is nevertheless not improbable that his was the original paper, since, although the first number of Thompson's paper extant in the noble collection of early papers in the British Museum is dated September 12, 1679, and is numbered 15, it has all the appearance and ill arrangement of a first number, and was so stated to be by its rival.\*

Harris then took the title of the "Protestant Domestic Intelligence," and Thompson that of the

\* By an advertisement in Harris's paper of September 5: "This is to give notice," he says, "that there is no other real 'Domestic Intelligence' published, but what is printed by Benjamin Harris; the reader being desired that if he find any other with the number 16 or 17 printed upon it, he would buy and bring to Benjamin Harris, the 15 preceding printed by the same person, and he shall be well rewarded for his pains." For a specimen of Thompson's politics and moderation, see the preface to his "Loyal Poems."

“ True Domestic Intelligence.” This opposition explains one of the errors of the chronological list of newspapers in the appendix to “ Chalmers’s Life of Ruddiman,” where these two papers are mentioned as one, and that one is said to have been printed for Benjamin Harris, by Nathaniel Thompson.

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These three newspapers, the Gazette and the two Intelligences, which were the best of their day, consisted of half a sheet of paper of the size of a small folio volume. The printers, as appears from Thompson’s advertisement, were frequently at a loss to fill both sides of even this modicum. Nearly the half of the first page is occupied by the title and the date, and the half of the second is frequently taken up by the advertisements and the printer’s address.

Periodical political controversy being in a thus infant state, we must look for the literary contests of the two parties into the occasional pamphlets which are ever issuing from the press. It would be vain to attempt any detailed notice of these ephemeral productions. The number of pamphlets published during this reign still extant in the British Museum, has been estimated as 1000 ;\* and even this collection,

\* This number sounds small when compared with that of the celebrated collection, which that institution contains, of tracts from the year 1641 to the coronation of Charles II. It is thus described in the MS. title to the original catalogue : “ An exact collection of all the books and pamphlets printed from the beginning of the year 1641, to the coronation of King Charles II. ; and near 100 manuscripts, never yet in print ; the whole containing 80,000 books

CHAP. comprehensive as it is, can hardly be supposed to be  
 XII. perfect. Sir Roger L'Estrange has already been  
 A. D. 1660 noticed, and his pretensions as a pamphleteer, as well  
 to 1688. as a journalist, already canvassed. The most regular  
 series of periodical pamphlets proceeded from his  
 pen during the years 1684 and 1685. At the com-  
 mencement of the former year he started a work  
 called "The Observator," published four times a week;  
 but this was not a newspaper. It was a mere series  
 of political dialogues between representatives of the  
 two parties under the names of "Observator and  
 Trimmer:" it never contained any article of news,  
 and was generally employed in defending the Tory  
 scheme of government. The last number is taken  
 up with arguments to prove that a "mixed monarchy  
 is nonsense;" and that "*all* imperial princes are so  
 absolute, with respect to their subjects, that they  
 are unaccountable."

L'Estrange ingenuously acknowledges his partiality for abuse, in concluding this series of dialogues.

and tracts uniformly bound, consisting of 2000 volumes, dated in the most exact manner, and so carefully preserved as to have received no damage. The catalogue of them makes 12 vols. in folio; they are so marked and numbered that the least treatise may be readily found, and even the very day on which they became public wrote on most of them."

Mr. George Thomason was, as appears from a note to this MS., the collector. There is a very curious account of the manner in which they were collected, and the dangers through which they were preserved. They were presented to the museum by George III. Such was pamphleteering during the commonwealth.

“ *Trim.*—Come, prithee, let’s take up while we are well now; unless you intend to run dialoguing-on *in secula seculorum*.

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“ *Obs.*—Troth, I think ’tis well advised, Trimmer, and we’ll e’en close with this paper then.

“ *Trim.*—And when that’s done the wits will be girding at ye still; and you can no more keep your hand out of an ink-pot—

“ *Obs.*—Why faith, Trimmer, let ’em do’t, and wellcome: for my fancy lyes more to character than to dialogue; and whoever will be so kind as to furnish me with spitefull materials, shall have his own again with interest, in an essay upon human nature: where I am resolved not to leave so much as one ill-natured fool without a capon’s feather in’s cap.”

L’Estrange was a pamphleteer by profession, but his province was sometimes invaded by men who brought a finer genius and a more temperate spirit to his cause. Among these we find the acute and versatile Hallifax scattering his light irony among the Whig party, and delicately insinuating improbable charges, which L’Estrange would have loudly proclaimed.\*

\* See his seasonable address to both houses of parliament in 1681. (*Somers’s Tracts*, vol. viii., p. 222.) He insinuates that Shaftesbury had sent to an astrologer to know whether he would not soon be at

the head of 60,000 men; that another Whig peer had solicited, as his price of desertion, the place of master of horse to the duke, and that the Duke of Bedford, “whose son in the lower house is



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Dryden must not be forgotten. His letter to the Whigs would alone place him in a high position among the Tory pamphleteers; but his chief-services to that party were rendered from his great powers of poetical satir. His political dramas, his “Absalom and Achitophel,” and his “Medal”—put forth when the Whigs were at the very zenith of their fortune, galled the triumphant party more than a host of such assailants as L’Estrange.

Dryden was, as it is well known, a deserter from the ranks of the republicans. He had commenced with heroic stanzas on the late lord protector. One of the most witty and whimsical of the anonymous Tory tracts is one written against Lord Shaftesbury, and grounded upon an idle story that was told of him, that he had expected to be chosen King of Poland, when the throne of that kingdom was vacant by the death of John Sobieski. The writer pretends to give an account of the election and coronation of Shaftesbury, and mentions all those who were sup-

the great tribune of the people, would have had a dukedom added to the garter, to make both sing to another tune.” The following passage contains the true spirit of Hallifax’s trimming policy. “When our passion is over, and we have fully considered the rise, progress, and event of the late rebellion, we

shall grow calm and wise, permit the king to enjoy his own prerogatives, and content ourselves with our just rights and privileges. It will be time enough when these are invaded (*if religion even then will allow it*) to oppose, or stand upon our defence.”

posed to be his adherents, as appointed to offices of state under the new monarch. Among these Dryden's name appears, but evidently erroneously, since Dryden was at that time poet laureat. The Whigs were not without writers fully competent to answer the prosaic effusions of their opponents, and even the satires of Dryden did not pass without reply. Elkanah Settle's name is scarcely known to the present age, but his "Medal Reversed" was received at its publication with loud applause, and was preferred to the original poem, by all who were envious of the laureat or annoyed by his rhymes.†

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\* "A modest vindication of the Earl of Shaftesbury in a letter to a friend, concerning his being elected King of Poland."—*Somers's Tracts*, vol. vii., p. 313. The poet is thus satirized: "Jean Dryden witzitz. Our poet laureat for writing panegyrics upon Oliver Cromwell, and libels against his present master, King Charles the Second of England." Sir W. Scott remarks upon this passage, that Dryden was then supposed to be engaged against the court. But as this pamphlet, although without date, speaks of Shaftesbury as being then in the tower, and also of the popish plot, it must have been published during his second

incarceration in 1681. Dryden was made laureat in 1668, and his "Absalom and Achitophel" was published before Shaftesbury was committed to the tower upon the charge of treason. This accusation is, therefore, probably an ebullition of private malice.

† The later career and ultimate fate of their champion does little honour to the party in whose service he laboured. Johnson says of him, in his life of Dryden,

"Elkanah Settle, who had answered 'Absalom,' appeared with equal courage in opposition to 'The Medal,' and published an answer called 'The Medal Reversed,' with so much success, in

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The inopportune death of Andrew Marvell, deprived the Whigs of one who would have been the most valuable defender of their party, as he had long been of the principles which they espoused. His "Growth of Popery" was long remembered by the opposite party, and the virulence with which it was attacked discovers the avidity with which it was read. When we see a pamphlet denounced by the government, answered by a member of the cabinet, Lord Halifax, and exciting such rage at court that it gave occasion for an absurd story that he had been poisoned in revenge, we may judge of its

both encounters, that he left the palm doubtful, and divided the suffrages of the nation. Such are the revolutions of fame, or such is the prevalence of fashion, that the man whose works have not yet been thought to deserve the care of collecting them, who died forgotten in an hospital, and whose latter years were spent in contriving shows for fairs, and carrying an elegy or epithalamium, of which the beginning and end were occasionally varied, but the intermediate parts were always the same, to every house where there was a funeral or a wedding, might, with truth, have had inscribed upon his stone.

'Here lies the rival and antagonist of Dryden.'

"Settle was, for his rebellion, severely chastised by Dryden, under the name of Doeg, in the second part of Absalom and Achitophel, and was, perhaps for his factious audacity, made the city poet, whose annual office was to describe the glories of the mayor's day. Of these bards he was the last, and seems not much to have deserved even this degree of regard, if it was paid to his political opinions, for he afterwards wrote a panegyric on the virtues of judge Jefferies, and what more could have been done by the meanest zealot for prerogative."

efficiency to forward the cause for which it had been written. In this pamphlet, and in his "Seasonable Argument to Grand Juries," Marvell proved that however superior his talent for ridicule, he was no unskilful master of that coarse abuse and vigorous argument which are found in the best pamphlets of the period.

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But the political writings of Marvell, popular as they were, never occasioned the excitement which those of Shaftesbury called forth. Shaftesbury's pamphlets usually, but not always, put forth in the form of speeches, or under the title of debates, naturally carried with them an authority extrinsic of their real merit, since they communicated the advice of the man whom the people for a long time relied upon as their most trusty leader, and whom they probably deemed the most honest, because he was the most violent of their friends in the upper house.

Shaftesbury had in his employ a little band of skilful pamphleteers, who, by means of Ferguson's secret press, and through his agency, kept up the literary warfare, but the names of these persons are not known, nor are they perhaps worthy of inquiry.

In political controversy the two parties were therefore during this reign equally matched. Quaint drolleries are the chief merit of one class of pamphlets, strong and nervous language the excellence

CHAP. of the other ; unsparing exaggerations and scolding  
XII. epithets are the common characteristics of both. If  
A.D. 1660  
to 1688. we admit that the pamphleteers of the two parties  
were equal in their merits, we must also notice that  
none of these were of a very high order : it was not  
until the next century that the dryness of political  
controversy was enlivened by the graces of style  
and by elegance of diction.

## CHAPTER XIII.

Accession of James—The Rochester administration—Degrading humiliation to the French ambassador—Arbitrary levies of customs—Approved by the Tories in their addresses—Immediate views of the Tories with regard to religion—A Tory parliament—Its submission—Its management by prerogative—Cautious opposition of the Whigs—Argyle—Monmouth—Exemplification of the principles of the Tories, afforded by the conduct of the bishops at Monmouth's execution.

THE entire prostration of the Whig party is strongly marked by the manner in which James succeeded to the sceptre of his brother. Who that had witnessed the debates upon the Exclusion bill, and marked the spirit that pervaded the nation during the agitation of that question, could have suggested that James would mount the throne unopposed by his subjects, and even unfettered by limitations. When his succession was spoken of as a possible event, it was spoken of as one, which, if it ever occurred, would be ushered in by storm and commotion; a reign to commence with a civil war, and to be continued by the sword. Yet James ascended the throne amid acclamations,\* and not a whisper of

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A. D. 1684  
& 1685.

\* Reresby, p. 188. Barillon, Fox's App. p. xvi. Evelyn. Burnet was not in England.

CHAP. XIII. opposition was heard to mingle with that cry.  
 A.D. 1684 & 1685. Could the shades of Russell, Shaftesbury, or Jones, have looked down upon the crowds which assembled throughout England to applaud the proclamation of the new king, the sight might have suggested a sigh of despondency for their country, and a bitter reflection that their energy, their patriotism, and their sufferings had been vainly expended upon a worthless people: they must have turned to those who were not there, and have looked but a span into futurity to see the glorious fruits of the seeds they had themselves sown.

James, on his accession to the royal title, made a declaration to his privy council: he expressed a determination to rule by the laws, which he said were sufficient to make him as great a monarch as he could wish, and he promised to defend and maintain the church, and preserve the established government. By the auditors of this speech it was, of course, right loyally believed, and it was, at their request, published throughout the nation. The Tories received it with unbounded confidence: "We have now the word of a king, and a word never yet broken," was the commentary which proceeded from every pulpit. Loyal addresses immediately surrounded the throne. Oxford, true to her declaration, promised obedience without limitations or restrictions. The clergy of London, on the other hand, consistently with the principles still fostered in the metropolis, covertly

insinuated their distrust and determination, by speaking of "their religion established by law dearer to them than their lives." The Oxford model was that which was the more generally followed; the Whigs wisely refraining from the unnecessary avowal of principles which could only draw upon them increased displeasure.

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James's next act was the choice of a ministry, since all appointments had determined upon the death of his predecessor. Halifax, the trimmer, as he was now generally called, had been, a few days before, the triumphant rival of James's faithful adherent, the Earl of Rochester. Godolphin had taken part with him, Sunderland had promoted the Exclusion. These three ministers, therefore, thought themselves destined to feel the first effects of the new sovereign's power. Halifax, in expectation of the storm, sought a private interview, and attempted to excuse his conduct. The king, however, who had no design to create unnecessary opposition, stopped him, declaring that he would remember nothing but his behaviour upon the Exclusion bill. The offences of Sunderland were more serious; but that veteran of intrigue, who had so often saved himself in the former reign by the influence of the Duchess of Portsmouth, had not neglected to secure himself a patroness in this.

Upon the death of his former duchess the duke had married, contrary to an address of the commons,



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the Princess of Modena, a Catholic. In the year 1674 she arrived in England, a girl of sixteen, and her innocent gaiety and childish vivacity had conciliated even the most suspecting of the anti-catholic courtiers. For several years the duchess took no part in political matters, and was apparently quite indifferent to the course of public events; but the woman could not be expected to content herself with the harmless pursuits of the girl, and it now appeared that she possessed a passion for power, and an aptitude for intrigue, which, whether discovered and called into action by her priests, or naturally appearing with the opportunity for development, promised the most important results. Sunderland, therefore, whose profuse expenditure in private life rendered it necessary for him to secure the emoluments of office, and whose theoretical preference of a free government never precluded him from receiving the bribes of France, and courting the favour of an absolute king—Sunderland, had contrived to shelter himself under the favour of the new queen, who took him under her protection, because, depending upon her alone for support, he must necessarily devote himself to her interests; and she was anxious to promote his advancement because she wished to give a rival to Rochester, who being the uncle of the king's daughter by his former marriage, would, upon every occasion, naturally espouse their interests.

Godolphin had shared Sunderland's offence, but

he was included in the general amnesty, probably from the same influence.\*

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But although none of the former ministers were expelled the cabinet, there were several changes made as to their offices. When James's ministry was completed, it stood thus: The Earl of Rochester was lord high treasurer, Sunderland continued secretary; Halifax obtained the promotion which he had lately ridiculed, when it was thrust upon Rochester; he became president of the council, and the Earl of Clarendon, brother to the premier, succeeded to the vacant office of privy seal. Lord Godolphin was made grand chamberlain to the queen. Such was the Rochester administration.

During the few days which were necessary to complete these ministerial arrangements, the new king had found time to place himself under the protection of Louis. Upon his accession he was igno-

\* Sir James M'Intosh appears to think that he was retained only from his habits of business; and I am inclined to his opinion, although it ill accords with the account of Burnet, that he could not endure the drudgery of the secretary's office. For some time Godolphin gave satisfaction to the king. Barrillon says of him, "Il est admis dans les délibérations les plus secrètes. Le Roi d'Angleterre m'en paroît fort content, et m'a dit qu'il lui trouve plus de fermeté et de hardesse qu'il n'en attendoit." This was in March 1685; but on the 30th of April the same minister had discovered his mistake, and writes, "Milord Godolphin quoiqu'il soit du secret, n'a pas grand credit et songe seulement à se conserver par une conduite sage et modérée"—16 Avril 1685. Fox's App., p. lx.

CHAP. rant of the position in which he stood ; and while he  
XIII. held in public, and to his subjects, the haughty lan-  
A.D. 1684 guage of a Stuart, he was in momentary terror of  
& 1685. some outburst of rebellion. The day after the death  
of his brother, James sent for Barillon, and sued to  
him in the most abject terms for new marks of his  
master's friendship, or in other words for an imme-  
diate advance of money.\* The application was not in  
vain. The policy of Louis with respect to England,  
is throughout these two reigns admirable. Charles  
had ceased to be an object of fear. When he had irre-  
trievably lost the confidence of his people Louis had  
therefore ceased to waste his treasure upon him. But  
examples were not wanting of unpopular subjects,  
who had made popular and powerful monarchs. In the  
state of national feeling which Louis was informed  
then existed he thought it was not impossible that  
James might obtain a parliament who would make  
great advances to obtain the confidence of their new  
king, and he vainly feared that James, in his turn,  
might concede some points in order to secure their  
support. He hastened, therefore, to assure him of  
his friendship, and to anticipate his wants. Before  
Barillon could communicate to his court the request  
which James had made, a remittance of 500,000 livres  
had arrived in London for his use. Barillon's account  
of the manner in which this trifling sum was received,

\* Barillon's Despatch, Fox's Appendix, p. xxi.

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would be ludicrous, could we forget that we are reading of the abasement of a king of England, and the humiliation which was in his person suffered by our country. James received the money with tears of joy. He said he was more affected by the kindness of the donor than he could be by any event which might happen to him during his life. His brother had, he said, foreseen his wants and anticipated his requests; he professed himself unable to render thanks adequate to the obligation, but declared that the whole course of his future life should declare his gratitude.\*

The ministers could not but imitate the servility of their master. Rochester, Sunderland, and Godolphin, came one after the other to the ambassador of the gold-dispensing king, and, bowing down in gratitude, declared, in the true eastern style of acknowledgment, that he had given life to the king their master. Barillon might well remark to his court, that although he expected much from the subsidy,

\* James could speak on no other theme; he pursued the French ambassador with his importunate thanks, declaring that he had now nothing to fear, since he was assured of the friendship of his brother of France. "Je ne regarde pas," he said at one time, "l'état où je suis, mais l'état où je pouvois être. Tout est paisible

en Angleterre et en Ecosse; mais le roy votre maître m'a secouru dans un tems qu'il ne pouvoit savoir s'il y auroit une sedition à Londres, et si je n'en serois pas chassé." James forgot to reflect upon the possibility of so acute an agent as Barillon having, in such a case, stopped the supply.

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he had never anticipated such marks of gratitude as these.

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There was a sequel to these tears of gratitude and unlimited protestations. Lord Rochester was sent to petition that the yearly pension granted to Charles might be continued to James, and Barillon, in his turn, suggested that the Spanish treaty, which Charles had, in his lifetime, so properly disregarded, might be held abrogated by his death. The three English ministers agreed without an objection, and declared that their master considered himself free from any, even the lightest, engagement with Spain.\* James was thus, by a dishonourable evasion which no man of private honesty would have had recourse to, free to act in the fullest manner under the orders of his employer at Versailles. Clifford is reported to have said of Charles, that it was better to reign the viceroy of a powerful and liberal monarch than to be subject to the control of many masters at home. The present ministers of James evidently concurred in this opinion.

Lord Churchill†—Who does not start to see such a name connected with such an employment!—was now sent over to Versailles to acknowledge the

\* Barillon, *ubi supra*.

had chosen. "Comme un homme

† Barillon now speaks of Churchill as a person whom James  
qui est déjà dans le secret d'une  
intime liaison avec votre majestie."

receipt of the subsidy, and to ask for more. He was to make no terms, to specify no demands, all was to be trusted to the bounty of the French king. Speaking of the share which Godolphin had in this mission, Mr. Fox eloquently exclaims, “With what self-humiliation must he not have reflected upon these transactions in subsequent periods of his life! How little could Barillon guess that he was negotiating with one who was destined to be at the head of an administration, which, in a few years, would send the same Lord Churchill, not to Paris to implore Louis for succours towards enslaving England, or to thank him for pensions to her monarch, but to combine all Europe against him in the cause of liberty; to rout his armies, to take his towns, to humble his pride, and to shake to the foundation that fabric of power which it had been the business of a long life to raise at the expense of every sentiment of tenderness to his subjects, and of justice and good faith to foreign nations! It is with difficulty the reader can persuade himself that the Godolphin and Churchill here mentioned are the same persons who were afterwards one in the cabinet, one in the field, the great conductors of the war of the succession. How little do they appear in one instance, how great in the other! And the investigation of the cause to which this excessive difference is principally owing

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CHAP. will produce a most useful lesson. Is the difference  
 XIII. to be attributed to any superiority of genius in the  
 A. D. 1684 prince whom they served in the latter period of their  
 & 1685. lives? Queen Anne's capacity appears to have been  
 inferior even to her father's. Did they enjoy in a  
 greater degree her favour and confidence? The  
 very reverse is the fact. But, in one case, they were  
 the tools of a king, plotting against his people; in  
 the other, the ministers of a free government, acting  
 upon enlarged principles, and with energies which  
 no state that is not, in some degree, republican can  
 supply. How forcibly must the contemplation of  
 these men, in such opposite situations, teach persons  
 engaged in political life, that a free and popular  
 government is desirable not only for the public good,  
 but for their own greatness and consideration for  
 every object of generous ambition."\*

The first public act of this government was in  
 accordance with the policy they had pursued under  
 Charles, but it was an extension of that policy far  
 beyond the bounds which that king had observed.  
 If we notice attentively the occurrences of the late  
 reign we shall find innumerable acts of glaring  
 tyranny, but they were, with a few exceptions,  
 isolated acts, felt only by individuals or particular  
 bodies. Charles's injustice always wore the cloak of

\* Historical Fragment, p. 88.

law, and he seldom risked and hastily receded from those open assertions of absolute prerogative which had proved so fatal to his father. With one of these, however, James commenced his reign, and his Tory ministry readily supported him.\* The late king's revenue ceased with his life. James ordered it to be collected by virtue of his proclamation. This assumption of tyrannical power was thinly disguised by the contemptible pretence that a farm of these dues had been made during the late king's lifetime. A forged and antedated instrument to this effect was accordingly produced before the judges, and these puppets of the court of course pronounced it legal. The taxes thus levied were to be paid by the merchants, and some of these for a moment contemplated resistance.† No court of star-chamber was now in existence, but Jefferies presided upon the bench; every man knew that to oppose the illegal exaction before such a judge was to rush upon inevitable ruin, and no Hampden was found among this class of men to brave the power of a tyrant in his country's cause. Many of them, on the contrary, were even so base as to send up addresses declaring

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\* I call this a Tory ministry, by his colleague or his master, for Halifax, the only one whose he was uniformly alone in his ideas were at all questionable, was opposition.

quite powerless; and, whenever † Burnet.  
he opposed the measures proposed



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the willingness with which they continued the payments, and thanking the king for the steps he had taken. They were little interested in withstanding the payment of sums which were reimbursed to them with interest by the people.\*

Halifax and Guildford had proposed a middle expedient,† which the king rejected without hesitation. Rochester attempted to shift the responsibility to the shoulders of his colleagues, and having procured the proclamation to be issued before he assumed the title of Lord Treasurer, he fixed the measure upon Godolphin and his co-commissioners, remarking he had only persevered in the course which he found commenced when he entered upon his office.‡ The rest of the ministry appear to have quietly concurred, without seeking for evasions or attempting opposition.

These were the events of the first week of James's reign. They were immediately followed by an open and an ostentatious display of his profession of the Roman Catholic religion. Even the Tories were a little shocked at seeing him proceed as it were in triumph to witness the celebration of mass, and they

\* These addresses were not confined to merchants. The Middle Temple declared that the king's right to levy these duties had never been questioned, ex-

cept by those who had been engaged in the rebellion against his royal father.

† Barillon. Fox's App.

‡ Burnet.

looked with an evil eye upon the crowd of priests and Jesuits who were busy behind the throne; but their displeasure was occasioned not by the contempt of the laws, which the king's presence at an illegal meeting evinced, but by the disrespect it offered to their church, and the danger it threatened to their ascendancy: they recalled, however, his recent promise, and they confided, and they remembered the obligations of their own creed, and were silent.

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With all the rashness and obstinacy which has been so justly attributed to James, it is not probable that he at this time meditated any immediate crusade against the church of England. Pope Innocent XI., who then filled the papal chair, was a man of too much penetration not to see that such an attempt must end in certain failure, and in a new proscription of the members of his church; he therefore strongly dissuaded James from any rash attempt, and thus probably imposed upon him the only restraint which the regal bigot would brook. Ronquillo, the Spanish ambassador, conveyed similar advice. Ignorant of the compact with Louis, this minister thought it the interest of Spain that England should be in tranquillity at home. When he therefore urged the king not to assent with too great facility to the counsels of his priests, James asked whether it was not the custom in Spain for the king to consult with his confessor? "Yes," replied the ambassador, "and

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it is for that very reason our affairs succeed so ill.”\*

It was probably in accordance with advice to this effect already received, that James, in his conferences with the French ambassador, speaking of his Catholic subjects, expressed only his determination — “*Les établir dans une entière liberté de conscience et d'exercice de la religion.*”†

Since the ministers probably knew of the advice which was thus given, and thought that their master would follow it, there is no reason to accuse them of a concurrence in any design for the establishment of popery as the national religion. If we consider them as ready only to support the measure of a full and fair toleration of the rival religion, and to resist its further progress, we may question their motives in undertaking such a work, and we may doubt their prudence in supposing that, under the extraordinary \* circumstances of that time, they could stop at any particular point, but we cannot disapprove their object. A popish king, supported by a numerous and powerful body of popish subjects, possessed of a prerogative almost unlimited, supplied with gold from abroad, little dependant upon his parliament, and unencumbered by those enormous pecuniary wants which have since rendered the intermission of a session of parliament equivalent to a proclamation of

\* Hume.

† Barillon. Fox's App.

anarchy, possessed a power which, exerted to the establishment of popery, might indeed give grave cause of apprehension; but the result proved that, even under all these threatening circumstances, the danger was rather imaginary than real—that the moment the bounds of toleration were passed, and an ascendancy was claimed, the nation would break in scorn the cobweb fetters which the sophistries of the Tory doctors had woven around them—would rise in one body against the abusers of their generous confidence; and, asserting those rights which are not only claimed by the principles of the Whigs, but are declared by the laws of nature, would reduce the conspirators, whether sovereign or subjects to their former servitude.

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There appears, however, little reason to ascribe to the Tories of Rochester's administration any views so enlarged and liberal as a free toleration in matters of religion: their conduct rather proves that they were inclined to follow their master as far as they could, with any degree of safety to themselves or their party, and that they left the future to fortune. When James claimed a toleration for the Roman Catholics they were ready to agree; for the Catholics were at present their political allies, bidding high for the favour of the prince, and professing to advocate the cause of prerogative. Had the ministry and its master generalized their measure, and extended it

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really as they did verbally to all classes of nonconformists, we might have admired them as statesmen and philanthropists ; but when we find that the Protestant dissenters were sedulously excluded from all the real benefits of the proposed toleration, the conclusion is inevitable, that the Tories were anxious only to secure an accession of power to their party, without regard to the danger which they might draw upon the nation (and according to their party's tenets that danger would be irresistible) ; and that James, by nature a persecutor and a bigot, for a time and a purpose, awkwardly assumed the garb of tolerance and moderation.

It was now necessary that a parliament should be called to settle the revenue ; for even James preferred that, if possible, his revenue should be a legal one. The progress of the elections showed the importance of the usurpations which had been made by Charles, and how near he had arrived to that worst species of despotism, which, disguised under the semblance of popular forms, inflicts upon the subject all the insecurity of a slave, without any security for the moderation, which, in a naked despotism, the monarch commonly observes in his exactions. Charles had by his attack upon the corporations changed his principle of government from corruption to prerogative ; and so successful had he been, that he had paved the way to becoming an absolute monarch with the revenue of a constitutional king.

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It is probable that Charles was not aware of the extent of the power he had obtained, nor of the facilities which he had enjoyed for nominating a house of commons.\* James was now to prove it. The manner in which these elections were conducted is thus described by Burnet :

“ All arts were used to manage elections, so that the king should have a parliament to his mind. Complaints came up from all parts of England of the injustice and violence used in elections, beyond what had ever been practised in former times ; and this was so universal over the whole nation, that no corner of it was neglected. In the new charters that had been granted, the election of the members was taken out of the hands of the inhabitants, and restrained to the corporation men, all those being left out who were not acceptable at court. In some boroughs they could not find a number of men to be depended on, so the neighbouring gentlemen were made the corporation men, and, in some of these, persons of other counties, not so much as known in the borough, were named : this was practised in the most avowed manner in Cornwall by the Earl of Bath, who, to secure himself the groom of the stole’s place, which he held all King Charles’s time, put the

\* Halifax, when pressing him to call a parliament, did not venture to promise him that it would prove very ductile. He said the time for such a parliament was during the excitement of the Rye-house plot, and that was then gone by.—*Reresby*.

CHAP. officers of the guards' names in almost all the charters  
XIII. of that county, which sending up forty-four members,  
A.D. 1685. they were, for the most part, so chosen, that the  
king was sure of their votes on all occasions. These  
numbers were so successful over England, that when  
the elections were all returned, the king said there  
were not above forty members but such as he him-  
self wished for : they were neither men of parts nor  
estates, so there was no hope left, either of working  
on their understandings, or of making them see their  
interests in not giving the king all at once ; most  
of them were furious and violent, and seemed re-  
solved to recommend themselves to the king, by  
putting every thing in his power, and by ruining all  
those who had been for the exclusion."

The king opened this parliament (May 19) by  
a speech which might carry the recollections of some  
of his auditors back to the days of Charles I.  
Having repeated the declaration he had previously  
made to his privy council, he spoke of his revenue,  
and insisted that it should be settled upon him for  
life. "There is one popular argument," he said,  
"which I foresee may be used against what I ask  
of you, from the inclination men have for frequent  
parliaments, which some may think would be the  
best secured, by feeding me, from time to time, by  
such proportions as they shall think convenient ;  
and this argument, it being the first time I speak to  
you from the throne, I will answer once for all,

that this would be a very improper method to take with me ; and that the best way to engage me to meet you often is always to use me well.

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“ I expect, therefore, that you will comply with me in what I have desired, and that you will do it speedily ; that it may be a short session, and that we may meet again to all our satisfactions.”

In any assembly, possessed of a spark of spirit, this plain intimation that he possessed a prerogative which would enable him to govern without their aid, and that unless they were prepared to register his edicts he would exert it, would have produced loud opposition, and, perhaps, a vote of defiance. In this parliament of Tories, however, his demand was unanimously complied with, the slender minority of forty Whigs, if, indeed, we may reckon as Whigs all those whom James disapproved, were so overborne, that the only semblance of opposition was a complaint of the practices during the elections, and that was made by a Tory. The house listened to the speaker with so much apathy that the ministers did not think him worthy of an answer.\*

This unanimity was produced by party spirit in the great majority, by despondence and terror in the minority ; there was no corruption used by the court previously to the meeting of parliament. Louis had placed in the hands of his ambassador 400,000

\* Burnet, Barillon, Fox.



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livres, to be expended in gratuities to such members of parliament as James and his ministers should consider fit objects of his bounty. Barillon writes, in answer to this communication, "I did not explain, with sufficient clearness, the state of affairs in this country, when I conveyed to your majesty the impression that the sums I required would be employed in gratifications to members of parliament. The present king will compass his designs, whether with regard to his revenue, or the free exercise of the Catholic religion, by no such means ; and nothing is more opposed to the plan of operations he proposes. He is determined to be firm and resolute ; he remembers the event of the Earl of Danby's plan of buying the votes of members, and thinks, with reason, that those who pursue the same scheme will meet with the same inconveniencies. The King of England wishes rather to take advantage of the necessity which his parliament will be under to grant that which, whether they grant or not, he is determined to take, that is to say, the révenues enjoyed by the deceased king ; and these, according to all appearances, the parliament will give him."\*

In his opening speech James had also mentioned, with a bitterness unbecoming a powerful monarch, the insurrection of Argyle in Scotland, which had been commenced so rashly, was prosecuted so ill-advisedly, and ended so fatally. The commons

\* Barillon's Despatch. Fox's App., p. lxviii.

resolved unanimously, in the usual form, that they would stand by him with their lives and fortunes.

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They were equally unanimous in their declaration, that they rested wholly satisfied with the king's promise to support and defend the church of England as by law established, but they showed that they were only Tories by adding that that church was dearer to them than their lives.

A resolution had been moved that the address should contain a prayer that the penal laws might be put in force against all nonconformists whatever. The king and queen were, however, both indignant, and ordered their party in the commons to reject it.

Soon afterwards (June 13) the king communicated to them the landing of the Duke of Monmouth, and they, having returned the usual answer, voted a supply of £400,000, passed a bill of attainder against Monmouth,\* and another for preservation of his majesty's person and government, and on the 2d of July were adjourned by command of the king.

The court party seem to have expected some slight opposition in the lords, and Barillon thought

\* This bill rendered the written or verbal declaration of a treasonable intention an overt act of treason, and created two new and very remarkable treasons ; the one was the assertion of the legitimacy of Monmouth's birth, the other the proposing in parliament any alteration in the succession of the crown. This parliament of James II. appeared anxious to rival that of Henry VIII. The bill, however, did not pass, it was stopped in the lords by the adjournment.

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he could discover that cabals were early forming in that assembly : but their fears were vain, the only point in which the views of the court were crossed in either house, was that of the reversal of the Earl of Stafford's attainder, and even this bill passed the lords. This reversal could only have been effected by discrediting the testimony of witnesses for the popish plot, which the Tories had themselves afterwards used against College and Shaftesbury. As Tories, therefore, the majority would be unwilling to admit that the London grand jury had been right in acquitting Shaftesbury, and that the long sustained outcry against the reign of " Ignoramus " was only clamour at the disappointment of a scheme of murder by subornation. But it does not appear that they had yet altered their opinions upon the subject of the popish plot, or that those who had voted Lord Stafford guilty now believed him innocent. It has been remarked by Mr. Fox as a singular circumstance, that among all the adulatory addresses which welcomed James to the throne, there is not to be found, in any one of them, any declaration of disbelief in the popish plot, or any charge upon the late parliament for having prosecuted it, though it could not but be well known that such topics would of all others be most agreeable to the court.

It was nothing therefore but the influence of the crown which bore this bill through the lords against great opposition. The Tories, in the commons,

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threw it out ; for, as they hated the religion of the Catholics and the politics of the Whigs, the majority of them believed both in the popish plot and in Shaftesbury's guilt. They, therefore, had no cause of accusation against Tuberville and his accomplices, although they rejoiced in the recent sufferings of Oates because he had refused to give evidence against College, and because he had even appeared to discredit his former companions who were then become the allies of the Tories.

During the whole of this short session the Whigs did not venture one act of open opposition, nor do we find any division upon which their numbers would appear ; but they had recourse to the ordinary tactics of a defeated party, and attempted to effect by policy what they could not hope to do by force.

It is probable that the resolution which was unanimously taken in committee to address for the persecution of all nonconformists,\* and which was as

\* La malice de cette résolution fut aussitôt reconnu du roy d'Angleterre et de ses ministres : les principaux de la chambre basse furent mandes et ceux que sa Majesté Britannique croit être dans ses intérêts : il fit une réprimande sévère de s'être laissés séduire et entraîner à une résolution si dangereuse et si peu

admissible. Il leur déclare que si l'on persistoit à lui faire une pareille adresse il répondroit à la chambre basse en termes si décisifs et si fermes qu'on ne retourneroit pas à lui faire une pareille adresse. La manière dont sa Majesté Britannique s'expliqua produisit son effet hier matin, et la chambre basse rejetta tout d'une voix ce

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unanimously retracted upon the bringing up of the report, was the offspring of Whig stratagem. Barillon, from whom we have the most detailed account of the principal proceedings of this parliament, seems to have been of this opinion, and it was evident to the court that it was an attempt to show the Tories how irreconcilable their views and interests were with those of the king. The Whigs secretly expressed their exultation that they had drawn the commons into a declaration of their sentiments upon the subject of religion,† exultation which was not damped by the haughty manner in which they had been compelled to retract their vote, for an act of tyranny so undisguised must, they thought, in the event, become favourable to their views.

Another act of the Whigs was yet more insidious. With a view to embarrass the ministry they had conceived the design of introducing in the commons a bill for disabling all who had voted in favour of the Exclusion bill from holding office under the present

qui avoit été résolu en comité le jour auparavant. On fait grande réflexion ici sur cette marque de déférence et de soumission que la chambre basse a donnée ; mais ceux qui savent les motifs de la première délibération voient bien que la seconde est forcée et que ce qui se fait par autorité

n'empêche pas que le sentiment unanime n'ait été de donner un coup aux catholiques et de faire même comprendre au roy d'Angleterre combien il trouveroit de difficulté à rien obtenir du parlement en leur faveur. Fox's Appendix, p. xcvi.

† Fox's App., *ubi supra*.

king. This was directed against Sunderland and Godolphin, whom the Whigs regarded with particular animosity, as betrayers of the principles they had once held. Barillon had obtained early intelligence of this attempt, and had communicated it to the king, who gave the necessary orders for its frustration. It accordingly, when made, met with no support.

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The insurrections of Argyle and Monmouth, which now occurred, are events only collaterally connected with the history of the two parties. Argyle's sentiments had been those of an English Tory, until, like many others, he had been converted by the tyranny of which he was himself the subject. Monmouth invaded England in order to usurp a throne to which he had no legal title, and he was supported by large bodies of the people. But neither of these designs were countenanced by the Whigs. During the time that Monmouth had acted with the leaders of the Whig party, there is no reason to suppose that, with the exception of Shaftesbury, any one of his coadjutors had held out to him any prospect of the succession. Russell or Essex certainly never did. Sidney was sanguine in his expectations of converting the duke to republicanism, and Hampden afterwards declared that the consultations of those days were the commencement of the revolution of 1688.

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Had Shaftesbury survived until this time he would doubtless have joined in this invasion, and his talents and experience might possibly have given it success. As it was, the only nobleman who appeared by the side of the duke was Lord Grey, whose condition, as an outlaw, had rendered him desperate, and whose character and cowardice rendered his presence a disgrace to any cause.

The Duke of Monmouth's execution was accompanied by a remarkable display of Tory feeling in the bishops who attended him. Their conduct, upon this occasion, has been censured as indelicate and unfeeling. The propriety of this charge must depend upon a suspicion of insincerity in the bishops; for, if they believed, as they professed to believe, that salvation was only to be obtained through the creed of their church, it was their duty to dwell, at the last moment, upon every essential article of that creed.

Bishops Kenn and Turner, Dr. Tenison and Dr. Hooper were the four clergymen appointed to attend Monmouth at his death. The duke had acknowledged his illegitimacy, and had expressed his penitence for the crime he had committed, but he had not acknowledged the doctrine of non-resistance. It was upon this subject that the clergymen now particularly pressed him. In answer to their solicitations upon the scaffold, he answered, "I shall say

but very little; I come to die; I die a Protestant of the church of England.”—“My lord,” rejoined his clerical attendants, “if you be of the church of England, you must acknowledge the doctrine of non-resistance to be true.” It was in vain that the duke asserted that he acknowledged the doctrines of the church of England in general, it was pertinaciously demanded that he should acknowledge that doctrine particularly with respect to his own case, and to this point they endeavoured to fix him during all the time he was upon the scaffold. Monmouth, unhappy in his marriage, had been living, for some time, with Lady Henrietta Wentworth, whom he tenderly loved; he could not be brought to believe this intercourse sinful: but this was considered a secondary point; the assistants, as the clergymen are termed in the printed account of the execution, drew him from this point, to reiterate that there was nothing about *resistance* in his last paper. And again, they declared that they desired only a few words, “*we desire only an answer to this point.*” In spite of the entreaties of the dying man this was insisted upon; without it, they declared, they could not pray with that cheerfulness and encouragement that they should. The dreadful preparations for death were now commenced, yet, even then, while the victim bared his neck for the axe, the anxious ecclesiastics returned to the

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charge. "My lord, ten words will be enough," was the last eager exhortation. Monmouth did not answer, but turned to the executioner, and having spoken a few words to him, laid his head upon the block. The work of prolonged butchery then commenced;\* and while the groans of the multitudes

\* The most circumstantial account of this horrible execution is contained in the Appendix (No. 8) to Mr. Rose's observations on Mr. Fox's historical work, printed from a MS. in the possession of the Buccleugh family. After relating the exhortation the duke gave the executioner, this account proceeds, "All this he said, with as much indifferencie and unconcernednes as if he were givinge ordours for a sute of cloathes. Noe change or alteration of countenance from the first unto the last; but stript himself of his coat; and having prayed, layed himself doune and fitted his neck to the block, with all the calmnes of temper and composure of mind that ever hath bein observed in any that mounted that fatall scaffold before. He would have no cap to his head, nor be bound, nor have anie thing on his feace; and yett for all this the botcherly dog, the executioner, did so barbarously act his pairt that he could

not at fyve stroaks of the ax, sever the head from the body. At the first which only made a slender gash in the necke, his body heaved up and his head turned about; the second stroake he made only a deeper gash, after which the body moved; the third not being the work, he threw away the ax and said, God damn me I can do na more, my heart fails me. The by standers had much adoe to forbear throwing him over the scaffold; but made him take the ax againe, threatening to kill him if he did not do his duty better, which two stroaks more not being able to finish the work, he was fain at last to draw forth his long knife and with it to cutt of the remaining pairt of his neck. If there had not been a guard before the shouldiers to conduct the executioner away the people would have torne him to pieces, soe great was their indignation at the barbarous usage of the late Duek of Monmouth, receaved at his hand."

echoed the repeated falls of the axe, the clergymen addressed earnest ejaculatory prayers to God, that he would be pleased to accept the dying man's *imperfect* and *general* repentance.

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I know of no passage in our history which so strongly exemplifies the rigid and unbending spirit of genuine Toryism. Both the bishops who officiated upon this occasion had an opportunity afterwards of proving that they themselves conscientiously believed and practised the doctrine they now insisted upon as necessary to salvation. After the revolution they each suffered deprivation of their sees, rather than take the oath of allegiance to William.

## CHAPTER XIV.

Estrangement of the king from the high church Tories—Decline of the influence of Rochester—Increase of that of Sunderland—Massacres in the west—Conduct of James—Dismissal of Halifax—Suspicion of the Tories—Conduct of the Tories and Whigs in the commons—Creation of peers—State of parties in the lords—Prorogation of parliament—Hostility of the clergy to James—Ecclesiastical commission.

CHAP. XIV. THE scene at the death of Monmouth as it was  
 A.D. 1685 the most forcible, so it was the last exhibition of the  
 to 1687. Tory party's devotedness to James. It would  
 appear as if these doctrines had been allowed to be  
 thus publicly and solemnly declared, in order only  
 that they might be the more completely exploded by  
 the subsequent conduct of the party which professed  
 them. Upon the day of Monmouth's execution  
 James renounced his alliance with the Tories :  
 henceforward, until his expulsion, we are to regard  
 him, not as the head of one of the political parties,

but as the enemy to both. His most dangerous enemy destroyed, and all who had favoured, or who could be suspected of having favoured his attempt, butchered in cold blood, the spirit of opposition appeared to be exterminated throughout the country. The power of James was now consolidated. "With the lives of Monmouth and Argyle," remarks Mr. Fox, "ended, or at least seemed to end, all prospects of resistance to James's absolute power; and that class of patriots, who feel the pride of submission and the dignity of obedience, might be completely satisfied that the crown was in its full lustre."\*

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The use which James intended to make of this increase of power was soon apparent. The Earl of Rochester told Burnet that although the king had before spoken to him of all his affairs with great freedom, and commonly every morning of the business that was to be done during the day, yet the very day after Monmouth's execution the king changed his method, and never talked more to him of any business but what concerned the treasury.†

The Earl of Rochester was then the acknowledged head of the Tory party in England—no man had been more zealous against the Exclusion bill—none had been bolder or more unscrupulous in the service of Charles. He had been throughout his life a crea-

\* Historical Fragments.

† Burnet, vol. i., p. 684.

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ture of the duke, and he had faithfully adhered to him through every difficulty. If designs were in agitation which required his removal, they could have only one tendency. Rochester being a Tory was of course a high churchman: a little circumstance which happened soon after James's accession, discovered to that monarch how untractable his minister was likely to prove upon the subject of religion.

The king had determined to go to mass with the same state that his brother had always assumed when he went to chapel—with his guards and principal officers of state. Upon communicating his intention to his ministers, Sunderland and Godolphin made no difficulty; but Rochester opposed it with all his constitutional vehemence, and plainly declared, that unless his majesty expressly commanded him to attend him to the door of the chapel, he would not do so. The king justly retorted, that if the act was wrong in itself, his express command could be no excuse for its performance; and if it was not so, his scruple was absurd. Neither the arguments of the king, nor the courtly suggestions of Sunderland and Godolphin, could shake the lord treasurer's resolution: the only compromise he could be brought to make was to pass that day at his seat in the country, that his absence might not be altogether without a pretence.

Although the Earl of Rochester nominally retained the office, Sunderland was henceforward in effect

James's prime minister. This man's career is an extraordinary example of versatility of principle and exquisite courtly talent. Having passed through all those vicissitudes of political life which we have already witnessed, and having, as there is strong reason to suspect, given some encouragement to Monmouth during the late rebellion, he had now completely secured the confidence of the king, and nominally at least, a Protestant, he was zealously employed in preparing all things for the projected attempt to establish the Catholic religion as the national church.

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It has been stated as doubtful whether James had at first designed the bold step of establishing his religion in England: that from the death of Monmouth he entertained this design, can admit of no doubt.

On the day after that event James declared to the French ambassador his intention of establishing the Catholic religion, and boasted that his troops were now commanded by Catholics as well as Protestants.\* "Lord Sunderland," writes the same minister, "appears to be in the secret of every thing that has passed between me and the King of England, upon the subject of the Catholic religion: that minister said to me, 'I do not know whether our affairs are seen in France in the same light as they are here; but I defy those who observe them closely not to see

\* Barillon. Fox's Appendix, p. civ.

CHAP. that the king my master has nothing so much at  
 XIV. heart as the establishment of the Catholic religion,  
 A. D. 1685 and that in reason and common sense he can have  
 to 1687. no other object, since, without that he will never be  
 safe, but must always be exposed to the indiscreet  
 zeal of those who will never cease to excite his sub-  
 jects against the Catholic religion, so long as it is  
 not more fully established.'”

Fortunately it does not form part of my task to enter into any account of the atrocities which followed the rebellion that was now suppressed, since, to the honour of England, these can be charged upon neither of our national parties. All the authorities of the time, corroborated by the correspondence between the king and the judge, indisputably prove that James was the sole author, and Jefferies and his associates the instruments, of these horrible butcheries. The dying declaration of this wretch was, “ Whatever I did then I did by express orders ; and I have this farther to say for myself, that I was not half bloody enough for him who sent me thither ;” \* and he is believed upon this occasion to have spoken the truth.

The Tory ministers had no hand in pressing forward the executions ; the only manner in which they interfered was to obtain wholesale grants of pardons, which they were careful to sell at the highest possible

\* Onslow's Note to the octavo edition of Burnet.

price. A thousand convicts given as slaves to certain courtiers, upon condition of their transporting them to a part of the world where they must meet with a lingering death—a hundred bestowed upon a favourite of the queen—girls sentenced to death, in order that they might be bestowed upon the maids of honour\*—and a wealthy merchant, intrusted to the tender mercies of the same ladies, led to the foot of the gallows, in order to extort the uttermost farthing before the pardon was produced—these are a few of the instances of James's clemency. If the object that prompted the intercession was merely humanity, neither courtier nor minister could hope to be heard. Even Sunderland, when he begged the life of a youth who had joined the standard of Monmouth to revenge the murder of his father, pleaded in vain. In the well-known case of Mrs. Alicia Lisle, whom Jefferies obliged the jury, after thrice returning with a verdict of not guilty, to bring

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\* "The young women of Taunton, who had presented colours and a bible to Monmouth, were excepted by name from the general pardon, in order that they might purchase separate pardons. To aggravate this indecency, the money to be thus extorted from them was granted to persons of their own sex—the queen's maids of honour; and it must be added

with regret, that William Penn, sacrificing other objects to the hope of obtaining the toleration of his religion from the king's favour, was appointed an agent for the maids of honour, and submitted to receive instructions to make the most advantageous compositions he could in their behalf."—*Mac-kintosh*.



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in guilty, and whose only offence was that she had given a night's shelter to two men, who it afterwards appeared had been in Monmouth's army, intercession was made by the Ladies St. John and Abergavenny, through Lord Clarendon. These two ladies had both received assistance from Mrs. Lisle during the civil wars, and testified, that during all those times she had exerted herself to the utmost in relieving the royalists when in the greatest extremities. Her son had served in the king's army against Monmouth; but all was in vain. James said he had promised Jefferies that she should not be spared, and she died accordingly. A few days afterwards he went, in order to amuse himself with horse-racing, to the very city\* in which she had been executed.

The most careful and authentic history of this massacre, which James delighted to call Jefferies's campaign, is to be found in Sir James Mackintosh's History of the Revolution of 1688. That historian has diligently collated all the authorities, and has verified them by official documents, and by the correspondence between Jefferies and his employer in the state-paper office. Sunderland, the medium of this correspondence, was doubtless without the power to stay the murders. How far this can excuse his holding an office which obliged him to consent to

\* Winchester.

them, is a question not difficult to answer. Pollexfen, an eminent Whig lawyer, who had been considered as the successor to Sir William Jones in all causes which involved a constitutional principle, happened to be the senior king's counsel upon this circuit. To him therefore the odious office of prosecutor was, according to custom, committed, nor could he refuse it. James has meanly, and as we now know falsely, endeavoured to throw the odious infamy of Jefferies's campaign upon Jefferies himself; and he has not scrupled to include Pollexfen in the charge. That Pollexfen by becoming in any manner an agent in this horrible business, sullied the reputation which he had before obtained, must doubtless be admitted; but there is no evidence whatever to prove that he acted at all in the spirit of his employers, or overstepped the strictest bounds of his duty. It will be remembered, that Jefferies so terrified the prisoners by his denunciations, that very few had the courage to stand a trial. In the county of Somerset, out of upwards of a thousand who were condemned, only six had pleaded not guilty. Where the forms of law were so little observed, the office of prosecuting counsel was nearly a sinecure. Pollexfen certainly appeared against Mrs. Lisle,\* but he confined himself to a very short statement of the case, without using any of the topics

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\* State Trials, vol. xi.

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of declamation then so fashionable ; and the work of terrifying the witnesses was taken up by Jefferies, who evidently thought Pollexfen unfit to be trusted with the office. If it was a crime to sit silent during the violence which ensued, it was a crime which was productive of no ill, for any interference upon his part could only have diverted for a moment the fury of Jefferies from the prisoner to himself ; it might perhaps have placed him by her side.

But although neither of the national parties were identified with the deeds of Jefferies and his master, they were in the event very materially affected by them, since the deathlike stillness which reigned in the counties that had been thus visited, persuaded the king that his power was now at length sufficient for the success of his most cherished design.

Sunderland being thenceforward the only minister in whom the king confided, and Father Peters, a Jesuit, being the only man whose advice he habitually followed, the consequences were those which might be anticipated. The army was in a great measure officered by Catholics, and James, considering that he was now in possession of the sword, began to agitate the repeal of the Test act. But this was not sufficient. The Habeas Corpus act he had always looked upon as a mischievous invention of Shaftesbury to embarrass the government, and abridge the prerogative of the crown ; while it existed he feared,

notwithstanding the pliancy of his judges, that he could never act with the energy requisite for the success of his plans. Having coupled these two subjects, he now made it his chief endeavour to make converts to his views. Those whom he looked upon as the most dangerous of his opponents, he called to a private interview ; and if neither his arguments or his promises could convince them, he seldom failed in devising means to render them an example to deter others from manifesting a similar insensibility to royal persuasion.

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Halifax was one of the first who were thus closeted ; but this nobleman, wayward and eccentric as he was in his public conduct, and anxious, as he appeared, rather to be admired for his skill in delicate management of the two parties, than for his consistent adherence to any of the public principles of either, could not resolve to go so far as this. He frankly answered, that he would never consent to the repeal of these acts ; that these were the only securities to which the nation trusted, and that it was necessary, even to the security of the crown, that these should not be broken through. Upon this answer Halifax was immediately dismissed from his post, the king declaring that he would have none other than a unanimous ministry ; qualifying, however, this act of rigour by a promise, which the discarded minister knew was little to be relied on, that

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he would never forget the services which he had already performed. This measure was intended partly as a gratification to the French king, but chiefly as an example to others; for having thus published his intention, he did not think fit immediately to extend his inquiries to Rochester and the rest of his colleagues.

At the meeting of parliament (Nov. 9) the king's speech consisted of a declaration that he would maintain a standing army, and that he would employ in it Catholic officers, notwithstanding the Test act. For this speech, the house of lords returned thanks; Halifax assenting, with the sarcastic remark, that "they had now more reason than ever to give thanks to his majesty, since he had dealt so plainly with them and discovered what he would be at."

The Tories, in the commons, were just one degree less subservient than they had been before the adjournment; like the long parliament in the former reign, at their first embrace with royalty the connexion appeared indissoluble; it was not until they had leisure to observe more steadfastly, that they could slowly discover dangers which produced a gradual retrogression. Clarges and Seymour, two zealous Tories, spoke against both the points of the king's speech, but were satisfied with having declared their individual sentiments, and the house voted the sup-

ply without a division. Every day, however, as it made more apparent the designs of the king increased the distrust of the Tories. In a division upon the presentation of an address for the removal of Catholic officers, upon giving them indemnity for the loss, it was carried against the court by three, and it was a pregnant sign that among the majority were many of the officers of the court.\* This address was moved by a Tory, Sir Edmund Jennings,† a retainer of the Earl of Danby;‡ but the house were so little prepared for any stormy opposition to the king, that when they received a sharp reproof for their address, “it was received with all due reverence and respect, and a profound silence reigned in the house for some time after it. This was broken by Mr. Wharton, who moved for a day to consider this answer. Mr. Coke, the new member for Derby, an approved

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\* “The earl of Middleton, then a secretary of state, seeing many go out upon a division against the court who were in the service of government, went down to the bar, and, as they were told in, reproached them to their faces for voting as they did. He said to a Captain Kendal, ‘Sir, have you not a troop of horse in his majesty’s service?’—‘Yes, my lord,’ replied the other, ‘but my brother died last night, and has left me £700 a

year.’ This incident upon one vote very likely saved the nation.” —*Onslow’s Note on Burnet*, 8vo ed., vol. iii., p. 86.

† Thus described in Andrew Marvell’s seasonable argument for a new parliament: “Sir Edward Jennings, made high sheriff of Yorkshire (against a vote of parliament), which is worth £1000, promised a pension and place at court.”

‡ Barillon. Fox’s App.

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XIV. "I hope we are all Englishmen, and not to be  
A.D. 1685 frightened out of our duty by a few high words." This  
to 1687. expression was deemed so offensive, that, notwithstanding the interposition of many who vouched for his loyalty, he was committed to the tower. "Not our own honour, but the king is concerned in this," was the argument which in that assembly was deemed unanswerable against any extension of lenity. The true explanation of this disproportionate severity appears to be, that both the mover and seconder of this motion were Whigs, who, mistaking the temper of the majority, thought they might now also venture to express their sentiments. This well-known jealousy of the Tory party, who had always when in power manifested a determination to allow no one to oppose the court but themselves, probably restrained the Whigs from taking any part in the discussions during this session. The small minority of that party in the house therefore preferred to limit their opposition to silent votes rather than engage in a contest which could give advantage to none but the king. They abandoned the task of shaping the opposition entirely to their rivals, satisfied with the humble but patriotic part of sustaining them with their votes, and thereby giving them the majority.

In the lords the relative situation of parties was nearly but not quite similar. Twenty noblemen

had been introduced into that assembly at the meeting of this parliament, no inconsiderable number when it is remembered that, upon a call of the house, the number of temporal peers present was but seventy-five, and that upon this occasion there were very few absent who were not disqualified either by nonage or religion. Upon the 19th of November, the day when the commons received the reply to their address, Lord Devonshire moved that a day should be appointed for consideration of the king's speech. Jefferies, one of the twenty introduced at the commencement of the session, had been made lord chancellor on his return from his campaign in the west. He undertook to answer the opposition lords, as he had been accustomed to answer witnesses and juries, but his arrogance, his noise, and his menaces, fell idly upon the ears of the members of that assembly; violence that terrified all who heard it when proceeding from the bench, excited only derision among his auditory in the lords. Halifax, Mordaunt, Nottingham, and Anglesea, are mentioned as speakers upon this occasion. The indignant scorn with which these noblemen treated this attempt of Jefferies to introduce his style of oratory into their house quickly reduced him to his level: even in the presence of his master, who witnessed the debate, he fell to be as mean and cringing as he had attempted to be violent and overbearing.

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But the most important feature of this debate was the desertion of the bishops. Compton, Bishop of London, stood forward, and, in the name of his brethren, protested against the infringement of the Test acts, now the only defence they had for their religion; the rest of the bench testified their acquiescence by their silence, and the court party, surprised at this decisive event, gave way without a division.\*

The commons had not yet completed the business of the supply, although they had promised £700,000, but James chose rather to sacrifice this sum than submit to the lords. On the 20th the parliament was prorogued, and with it vanished all the popularity that James had ever possessed.

James was now fairly started upon the path which could only lead him to ruin; every act he performed only served more completely to alienate the party which had placed him upon the throne. No sooner was the parliament prorogued, than those of the courtiers who had ventured to oppose him were made to feel the consequences of their conduct. Fox, who held the post of paymaster of the army, an office which an acute courtier† values at £10,000 a year, was deprived. Colonel Darcy and Major Webb lost their commissions; and it was formally

\* Ralph. Mackintosh, p. 44. Fox MS., but does not quote it.)  
(Sir James relies, for some facts, Reresby, p. 220.

upon Barillon's account in the † Reresby, p. 222.

resolved, at the council board, that all the dependants of the government, who had joined the opposition, in any of their measures, should be similarly treated. A yet more flagrant insult to the church party was the expulsion of the Bishop of London from the privy council, for expressing the sentiments of the great majority of his brethren. This was followed by an act which showed that the great majority of the Tories had broken terms with the court, and were, at least, exercising the right which they had always reserved, of passive resistance. Instructions were sent to the Archbishop of Canterbury, to command the clergy that they should exhort their flocks only to the observance of the rules of morality, but that they should not presume to meddle with any topics of government; a sure evidence that that powerful engine which, a few months before, had thundered forth anathemas against all who opposed the government, had now turned its batteries upon its former masters. Still the work went on but slowly; the people rallied the more enthusiastically round their church in proportion as they considered its danger more imminent; the clergy no longer attempted to explain away the differences between the Romish and the English communions. The recent conduct of Louis, who had repealed the edict of Nantes; the dreadful persecutions of the Protestants, and the piteous tales of

CHAP. XIV. the sufferers who had fled to England to avoid them, produced a great impression on the nation. The controversial writings and private efforts at proselytism made by the priests, were met by corresponding efforts on the part of the Anglican clergy. Tillotson, Stillingfleet, Tenison, Patrick, Sherlock, Williams, Claget, Gee, Aldrick, Atterbury, Whitby, Wake, Hooper; names which are yet familiar to all who reverence piety, or admire learning; bestirred themselves vigorously in the contest. Whatever might have been their former tenets, whatever might have been their after conduct, and many of these are since known as eminent Jacobites, upon this occasion they were unanimous in their opposition to the advancing flood of popery.

The king, of course, placed himself at the head of the priests. One more attempt he made to obtain the repeal of the Test act, in a constitutional manner. The parliament was kept on foot by short prorogations. He ordered his judges to feel the pulses of all the members upon their circuits, and to report to him their dispositions. When he found that even the most trusted of his dependants faltered in their proffers of adherence,\* he abandoned for ever the

\* The following account of this attempt, which is given by Reresby, affords a very faithful view of the motives and feelings of the courtiers at this conjuncture. Every one must, at least, admire the candour of this author. His unsuspecting ignorance of the

idea of assembling his parliament, and resolved to fall back upon his prerogative. A vain attempt was made to restrain the publication of the works

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existence in the world, of any thing like principle, would appear to be the cause of the candour, since it is used without an effort, and, apparently, without a knowledge of its merit.

"1686, March 7. The time for the meeting of parliament now drawing near, and several of the members neglecting to repair to London; the king ordered the judges, in their several circuits, to feel the pulses of the men: in consequence of which I was, to my great surprise, accosted at York by the judge (Reresby was Governor of York), who told me, he had orders to talk with me on the subject. I asked him if his majesty had made particular mention of my name; to which, he replying that he had only received a general order from the king to sound the inclinations of the several gentlemen who sat in parliament, and that he had had a particular instruction from the chancellor only as to myself by name; I desired time to consider of it, and the next morning returned for answer, that I perceived a

denial would be construed into disloyalty; that I had so lately waited on the king, and given such assurance of my integrity, that I could not apprehend his majesty could harbour any doubt as to me, and the rather as he had not been pleased to make use of my name. That I could not conceive myself obliged to declare myself to any body else; but that if his majesty should think fit to say any thing to me further than he had already, when I had the honour of waiting on him next, which I intended should be speedily, I would so consult my loyalty and my conscience, as to give him all the satisfaction in my power. The judge told me he would make a report of what I had said, and did not seem to be very forward in pressing a compliance; he had his orders, and he obeyed them. I deemed this to be the most prudent reply I could at this time make, for had I answered in the affirmative, I might have incurred the displeasure and censure of the greatest part of the nation: if in the nega-

CHAP. which were so incessantly appearing against popery,  
 XIV. and which were read with so much avidity by the  
 A. D. 1686. people.

The validity of the king's dispensing power was solemnly recognised by eleven out of the twelve judges of England: a judgment so monstrous, that in order to obtain it James was even obliged to discharge Sir J. Jones, who had hesitated at no deed of blood, and had presided at the judicial murder of the poor old woman Gaunt, burned to death for harbouring a rebel, and convicted upon the testimony, and by the treachery of, the man she had thus preserved. Montague, who accompanied Jefferies upon his circuit, was also among those whom it was requisite to remove. Thus did the power of education and habit manifest itself superior to that of humanity or justice. The men who would distort facts and pervert probabilities, in order to send their fellow-creatures away to a violent death, started when it was proposed to them to outrage those rules of law which their youth had been passed in learning, and which it was their pride that they

tive, I should have utterly dis-  
 obliged the king; a caution the  
 more necessary to be taken, as  
 there was no likelihood there  
 would be any meeting of parlia-  
 ment to control him in his con-  
 duct. However I believe that in

all cases of this nature, it is better  
 to unbosom one's self to the  
 prince in person, and, as much  
 as possible, avoid the danger that  
 may arise from the treachery, the  
 prejudice, or the ignorance of a  
 reporter."—p. 240.

thoroughly understood. To James's remark, that he would find twelve judges of his opinion, Jones replied, with all the pride of art—he could have known no higher feeling—"Twelve judges, Sire, you may find, but hardly twelve lawyers."

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The king made his attacks upon his new antagonists with great rapidity ; he next assumed the exercise of his full prerogative as supreme head of the church of England, and under this pretence he established his ecclesiastical commission, so well known for its illegality and tyranny. Sancroft, Archbishop of Canterbury, Crew, Bishop of Durham, Sprat, Bishop of Rochester, the Earl of Rochester, the lord chief justice, were members of this court, and Jefferies was made the president, without whose presence no business could be performed. The business to be performed by this conclave could be safely trusted to no management but his.

Such was the ecclesiastical commission—a court established in defiance of the act for its abolition, passed upon the restoration. Sancroft certainly did not attend ; but instead of protesting against the legality of a tribunal created to destroy the church\*

\* "God," said the king to Barrillon, "has permitted that all the laws made to establish Protestantism, now serve as a foundation for my measures to establish true religion, and give me a right to exercise more extensive power than other Catholic princes possess in the ecclesiastical affairs of their dominions." — *Mackintosh*, p. 66, from *Fox's MSS.* ; also quoted by *Mazure*, vol. ii., p. 130.

CHAP. of which he was the guardian and the head, he was  
XIV. contented to send a petition to the king, alleging  
A.D. 1686. feebleness and ill health, as an excuse for his non-attendance. The first business of this court was to silence the church of England preachers, and Compton, Bishop of London, was selected as the first example. The king, in the plenitude of his ecclesiastical supremacy, had ordered the bishop to suspend Dr. Sharpe, Dean of Norwich, for preaching a controversial sermon. The bishop protested that he had no power to do so in a summary manner, and was thereupon summoned before the new court of commission, and suspended from his bishopric. This sentence was contrary to the avowed opinions of three-fourths of the commission, but the king and Sunderland would have it so ; and Lord Rochester declaring that he acted against his own conviction, yielded nevertheless to whatever his majesty might determine.\*

Catholics were now admitted to the council board, and were declared admissible to the great offices of state. The vacant bishoprics were filled by men who evidently waited only for the proper moment to be converted. An Irish Catholic, with the foreign title of the Marquis d'Albyville, was sent to the Hague, for the important reason, as assigned by

\* Fox's MSS., Mackintosh, p. 70.

Barillon, that it was almost impossible to find an English Protestant who had not too great a consideration for the Prince of Orange; \* and the pope's agent in London, whose avowed character had been already changed from that of a private gentleman to that of ambassador from the Roman pontiff, was now entreated to take upon himself the formal and solemn title of nuncio.

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A yet more unequivocal mark of the degree of toleration which the church of England might expect when the designs of the king were accomplished, was the conduct he pursued with regard to the army in Ireland. There the Earl of Tyrconnell, after having gradually introduced a number of Catholics among the officers, continued to fill up every vacancy with persons of that persuasion. This being too slow a method of remodelling, he proceeded to make vacancies by breaking the Protestant officers upon the slightest pretences; and at last, all decency being laid aside, they were, without any reason assigned, deprived of their commissions. †

Rapidly upon these demonstrations followed others equally threatening towards the church. Cambridge, which had so often declared the absolute power of the monarch, and had so often acknowledged that all the members of her body held their lives and fortunes at

\* Fox's MSS., Mackintosh, p. 70.

† Burnet.



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his disposal, Cambridge being ordered to confer the degree of master of arts upon a Benedictine monk, unanimously refused. Thus the top stone was removed from the pyramid of Toryism, since even one of the most uncompromising bodies of Tories had admitted and acted upon the legality of *passive* resistance.

Not convinced by his defeat in this attempt, the king next made an experiment upon Oxford. He could not believe that those who had declared that assertions of the sovereignty of England being in the three estates, and that it was lawful for subjects to enter into associations for defence of themselves or their religion, were false and impious propositions which led to atheism, would refuse to receive an officer of his appointment, or defer to a recommendation which had been constantly made and very seldom disobeyed; yet the fellows of Magdalen College refused to choose Farmer,\* a profligate Catholic convert, to be their president, and in defiance of the king's command elected Dr. Hough to the vacant office. It might have been a question for the casuists who drew up the celebrated decree, which still hung upon

\* He had been expelled both Oxford and Cambridge; and the delegates from the college ended their allegations against him by saying, "And that in general the

said Mr. Farmer had the unhappiness to be under an ill fame as to his life and conversation."—*History of the Ecclesiastical Commission*, p. 39.

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the gate of their college, whether this contumacious election was not a proceeding a step beyond even passive resistance; it certainly was not a passive obedience. For this the college was placed under suspension by the ecclesiastical commission court; and it is well known that the affair ended by Parker, Bishop of Oxford, being substituted for Farmer, whose infamy was too notorious, and Cartwright, the new Bishop of Chester, going down with a subaltern ecclesiastical commissioner, breaking open the gates of the college, putting Parker in possession, and turning out the fellows.\* “It was much observed,” remarks Bishop Burnet, “that this university that had asserted the king’s prerogative in the highest strains of the most abject flattery possible, should be the first body of the nation that should feel the effects of it most sensibly; and it was an afflicting thing, which seemed to have a peculiar character of indignity in it, that this first act of violence committed against the legal possessions of the church, was executed by one bishop, and done in favour of another.”†

The conduct of the high church Tories, upon this occasion, was an admission of the absurdity of their political creed, and an eminent example of the emptiness of professions by which men pretend to renounce

\* See the whole proceedings detailed in the State Trials, vol.

History of the Ecclesiastical Commission.

xii., p. 1; and in a tract called the

† Vol. i., p. 699, 700.

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their natural and indefeasible rights. It was now plain that the clergy, who had drawn these tenets from their misconstrued bibles, had intended them only for the practice of laymen. They had looked on without a murmur while the corporations were destroyed, and while the elective franchise, their countrymen's best birthright, was wrested from them. They had supported Charles through all the infamy of the Rye-house plot, and they had followed his victims to the scaffold with denunciations of rebellion and atheism. They had not rejected an alliance with popery, so long as that religion was to be favoured only at the expense of the law; and above all, they had given a solemn sanction to the whole code of despotism, and encouraged their kings to claim and exercise a tyranny which could only be supported by bloodshed, and which it required a mighty convulsion to destroy. Now, however, when a single act of that tyranny was levelled against themselves, and a demonstration was made against a portion of that property which they had been accustomed to look upon as their own, they raised cries which, at the time of a similar attack upon the civil institutions of the country, Russell would have censured as too vehement, and proposed measures which Shaftesbury would then have disapproved as too precipitate. No sooner had this violence been offered to the foundation of Magdalen

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College, than they despatched pressing letters, and confidential emissaries to the Prince of Orange, entreating him to appear in arms against their king. They urged the prince to force his father-in-law, not to restore the constitution, abandon his claims to an absolute prerogative, and give back to his people the rights he had wrested from them, but to recede from his nomination of Parker to the provostship of Magdalen, and to renounce all claim over the temporalities of the church. These letters were so pregnant with treason, that the prince dared not show them to his most confidential friends; and the measures they recommended were so violent, that even Burnet, the friend of Russell and Hampden, who could deplore the attacks upon liberty and Protestantism, as well as those upon the temporalities of the church, thought them not justified by the occasion, and that the Prince of Orange himself, with the prospect of a crown, considered them too questionable in propriety to be undertaken.\*

Thus early did the Tories confess the fallacy of their own creed, and do homage to that of the Whigs.

\* Burnet, vol. i., p. 701.

## CHAPTER XV.

Parties in the cabinet—Declaration of indulgence—James makes advances to the Whigs—Repulsed by that party—Junction of the Whigs and Tories—Embarrassment of the king—Trial of the seven bishops—Birth of the Prince of Wales—Invitation to the Prince of Orange—Conduct of the party leaders—Flight of James.

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IN the former year there had been three parties in the cabinet and the court. The first consisted of the king and his confidential adviser, Father Petre. This man was an Englishman of noble family, uncle to the then Lord Petre ; he was famed neither for his virtue nor his learning, but neither of these qualifications were requisite for the service of James. He was a man of a daring spirit, and zealous in the cause of his religion : a Jesuit, and possessing the entire confidence of his order, who admired in him the boldness and decision which few of them had the courage to imitate. Petre had introduced himself to the king during the excitement of the popish plot, and he had suggested measures of defence, which discovered him to be a man of no

ordinary resolution, and recommended him to James as a valuable instrument, to be employed at some happier opportunity. Upon James's accession he was received into his confidence. He now suggested all the most violent measures, and it was he who had started his royal pupil in the headlong course he was running. Already the sanguine priest spoke of the Protestant church with insolence and contempt, and he deemed the day drawing near when that mischievous and intolerant heresy would be extirpated. The most sanguine visions of personal ambition already visited his day-dreams: although the pope had rejected the earnest request of James to bestow on him a titular bishopric, and had refused to listen to his application for a cardinal's hat, he thought the day might come, when the pontiff might be glad to offer what he now refused. Meanwhile he fixed his eyes upon Wolsey, and, taking him as an example, aspired to the archbishopric of York and the chancellorship of England.\*

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This religious zealot and ambitious priest formed, together with his master and some humbler Jesuits, the first, most violent, and of course most influential party at court.

It is not, however, to be supposed that the majo-

\* Mazure, vol. ii., p. 390. See vol. i. of Mr. Trevor's Life of also a letter from Petre to the William III. Père la Chaise in the Appendix to

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rity of the Roman Catholics approved the violent measures which originated with this party. The queen, Sunderland, Godolphin, Lord Churchill, and some others formed a second party. These were united in their disapproval of the precipitancy of Petre, but their ultimate views were probably by no means the same. The queen, although she warned her husband that his violence would cost him his crown, yet cannot be supposed to have wished that he should stop short of the establishment of her own religion. Sunderland had promised the king to assist him throughout the whole work; he must earn the French pension he enjoyed, and to do so the more easily he had resolved to change his religion: during the present year he privately conformed to the Roman church. Godolphin and Churchill had no such intention: their views were probably very indefinite; perhaps their most distinct intention was to retain office as long as they could do so without changing their religion. In this conduct they were doubtless followed by many others who retained their religion as a point of honour, and dreading the prevalence of popery, as endangering their emoluments, became daily less loyal as these were more openly threatened.

The measures of the queen's party were those which were supported by the pope. Innocent, while acting as head of the church, did not forget that he

was also a temporal sovereign. He disapproved the whole conduct of Father Petre, because he thought it must produce a contest which would not only in its event prove prejudicial to the church, but which would also, by leaving Louis uncontrolled in his projects of ambition, endanger the independence of the papal dominions. The queen, who was probably more under the control of the priests who took their instructions from Rome than the king, complained that Petre's introduction into the privy council had been without her consent. She declared, using an Italian idiom, that he had been brought in by Sunderland over her belly.\* The measures which were pursued were so contrary to the instructions of the pope's nuncio in England, that he, finding he could not moderate them, often desired his recal, lest they should be attributed to his agency.†

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The third party had been headed by the Earl of Rochester, and numbered in its ranks many of the more conscientious or more timorous of the courtiers, and the less compliant of the bishops. This was the real Tory party; although some of the queen's adherents held nearly the same sentiments, and rather attached themselves to different interests, than contemplated different ends. Of this number were Churchill and Godolphin, preferring the protection

\* Note to Oxford edition of Burnet, vol. iii., p. 96.      † Welwood's Memoirs.



CHAP. of Sunderland\* to that of Rochester, but ignorant  
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both of the engagements and of the secret conversion of that nobleman. This party was, however, now no more. Rochester, familiar with the intrigues of the former reign, had cultivated the friendship of Catherine Sedley, whom the king had, by his secret advice, lately created Countess of Dorchester.† This lady's influence was always opposed to that of the priests, and her wit and railleries were freely lavished upon them and their religion. Rochester now having re-established this intercourse, which had been for some months intermitted, attempted to set her up at court as an acknowledged mistress, and through her influence to disgrace Sunderland and his whole party. The queen, however, still young, beautiful, and affectionate, gave way to the most vehement expressions of grief and resentment; and having secured the aid of the priests, was continually complaining to the king of the injustice this intercourse was to her, and the scandal it brought upon their religion.

It was upon one of these occasions that she said

\* This is by no means surprising, when we consider the immense influence which Sunderland now enjoyed. It is said that the king would grant no favour until he had asked the question, "Have they spoke to Sunderland?" and when told that this nobleman got all the money of the court, he was accus-

tomed to reply, "He deserves it." —*Ralph. Life of James*, vol. ii. Sunderland preserved this influence not by proposing or advocating Petre's extravagances, but by refraining from opposition to them.

† This is the last creation of a peerage for life.

to the king, "Is it possible that you are ready to sacrifice a crown for your faith, and cannot discard a mistress for it? Will you, for such a passion, lose the merit of your sacrifices?"\*—expressions which show that she at least estimated the dangers he was courting.

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The struggle was protracted and violent, but the queen at length prevailed. The countess was sent from England: she went, warning the king of the misfortunes he was bringing upon himself, and declaring that she was a martyr to the Protestant faith. Rochester's fall was not long delayed. Sunderland wickedly suggested that the earl had shown some symptoms of a desire to be converted. The king, eager to secure so important a proselyte, seized upon the intimation, and invited the lord treasurer to witness a conference between some of the priests of the two communions. The earl reluctantly consented; but before any point had been canvassed, started up and declared that he was more thoroughly convinced than ever. This decisive conduct answered Sunderland's expectation; by destroying all hope of his conversion it determined the king to dismiss him. This was done; he retired with all the booty he had obtained during his term of office—no inconsiderable sum, since it included a life interest in Lord Grey's

\* *Mémoires Histor. de la Reine* Mackintosh from the MS. in the  
d'Angleterre, quoted by Sir James archives of France.

CHAP. estates, and with a pension of £4000 a year, for his  
 XV. own and his son's lives.

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With Rochester's fall was associated that of his party at court; those who had before adhered to him as their leader, then either followed him into retirement, or made their submission to Sunderland.

At the commencement of the year 1687, therefore, the court was supported by neither the Whig nor the Tory parties. The king was served only by avowed Catholics, or by a few of the latter faction, who had forsaken their friends for the power and emolument of office. Even these were gradually dismissed when all hope of their conversion had disappeared, and as men of any private honour would naturally scorn to change their faith at the command of another, even although they had otherwise little affection for it, the nation was constantly amused by reports of repartee which had been returned to such requisitions. Norfolk, Mulgrave, Middleton, Godolphin, and Churchill, were all men who paid little regard to the dictates of any religion, and had, probably, imbibed the loose opinions so common in the court of Charles, yet these men were attacked in vain, and all the arguments of the priests were commonly demolished by a jest. Perhaps the best answer recorded is that of the duke of Norfolk, who, as grand chamberlain, carried the sword of state before the king to chapel. The duke, however,

stayed without while the king entered. Upon one occasion James said, as he passed him, "My lord, your father would have gone further."—"Your majesty's father," was the reply, "was the better man, and he would not have gone so far." Even Jefferies remained a Protestant, or rather refused to become a Catholic, and Kirke, who had served against the Moors, as governor of Tangier, pleaded a pre-engagement, since he had promised the king of Morocco, he said, that if he ever changed his religion he would turn Mahometan.

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Having thus lost the Tories, James entertained the ridiculous notion of gaining over the Whigs. It was amusing to hear this man who was so systematically a bigot and a persecutor, that, restrained from persecuting in behalf of his own religion, he satisfied his predilections for the torture in behalf of another, now suddenly grown eloquent in favour of Christian charity, and insisting upon the duty of universal toleration. In accordance with this new design, he, in April, published his celebrated declaration of indulgence, repealing all sanguinary and penal laws in matters of religion; he declared all his subjects equally capable of employments, and suppressed all oaths and tests to the contrary.

This declaration was intended far more to conciliate the dissenters than to benefit the Catholics. A dean of Christchurch, several rectors and curates,

CHAP. a master of University College, and two fellows  
 XV. of Brasenose, all openly professing the Catholic  
 A.D. 1687 religion, and retaining their offices by virtue of  
 to 1689. the king's dispensation,\* sufficiently testified that  
 the Catholics required no such general edict for  
 their protection. Herbert, the chief justice, was  
 sent upon the western circuit to attempt to banish  
 the terror which Jefferies had so lately spread  
 there. Conventicles were no longer treasonable  
 assemblies. The nonconformists were astonished  
 by invitations to partake of the favour of the court,  
 and their allies, the Whigs, were bid to hope for  
 countenance and power if they would only retort  
 upon the Tories the denunciations which they had  
 so recently been subjected to from them.

Hitherto the Whigs had kept aloof from the contest, not that they were uninterested in the event, or that the majority of them were less zealous members of the church of England than the Tories, but because they saw that their brethren of the high church were still willing to return to their political slavery, and that, if they interfered, the king would probably be driven to a new alliance with the Tories, of which they would be the ready sacrifice. Now, however, they refused the insidious overtures which

\* See these dispensations in vol. i., and in the Clarendon Gutch's "Collectanea Curiosa," papers, vol. ii.

were made them, and although some of the non-conformists of their party, smarting under the rigours of the terrible persecution they had lately suffered from the Tory churchmen, could not be restrained from taking advantage of their season of triumph, the example was by no means generally followed. When the king, deceived by the few exceptions, remodelled the corporations, and substituted Whigs and nonconformists for the delinquent Tories, he quickly discovered that they had not forgotten their affection for liberty, and that, in the words they had used in the former reign, “although they wanted a toleration they would not accept it at the expense of the laws.”\*

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. The leaders of the two national parties sedulously exerted themselves to discountenance any mutual recriminations now that the safety of both required their union. The clergy agreed among themselves to put forth no answer to the reproaches of those of the nonconformists who could not be restrained from using their new liberty, and Halifax,† and other

\* The new Whig magistrates of the city of London carefully took the tests, and ordered the observance of the gunpowder-treason day. When the nuncio came to their city banquet, they made an entry in their books that he came without their knowledge; and the mayor, a presbyterian, refused to

set up his religion in the Guildhall chapel, but, on the contrary, frequently attended the Established church.—*Burnet*.

† See his “Letter to a Dissenter upon occasion of his Majesty’s gracious Declaration of Indulgence.”

“If it should be said,’ he says

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leaders of the new united opposition, put forth many powerful tracts to warn the dissenters of the dangers of the proffered alliance, and to deprecate any division among the opponents of popery. By these judicious measures the contest, which the king and his ministers had hoped to excite, quickly expired, and the Tories and Whigs were, for the first time, united in opposition to the crown; the Tories solely with the object of preserving the established church, the Whigs including that as one of the parts of their far more extensive design, the re-establishment of their constitution, and the recovery of their national liberties.

in this tract, “ that the church of England is never humble but when she is out of power, and therefore loseth the right of being believed when she pretendeth to it, the answer is, first, it would be an uncharitable objection, and very much mistimed, an unseasonable triumph, not only ungenerous but unsafe; so that in these respects it cannot be urged, without scandal, even though it could be said with truth. Secondly, this is not so in fact, and the argument must fall being built upon a false foundation; for, whatever may be told you at this very hour, and in the heat and glare of your present sunshine, the church of England

can, in a moment, bring clouds again, and turn the royal thunder upon your heads, blow you off the stage with a breath, if she would give but a smile or a kind word; the least glimpses of her compliance would throw you back into the state of suffering, and draw upon you all the arrears of severity which have accrued during the time of this kindness to you; and yet the church of England, with all her faults, will not allow herself to be rescued by such unjustifiable means, but chuseth to bear the weight of power rather than lie under the burthen of being criminal.”—*Somers's Tracts*, vol. ix, p. 56.

In July the parliament was dissolved by proclamation, and the day after the dissolution the pope's nuncio made his public entry into Windsor, and the Duke of Somerset, one of the lords of the bedchamber, was discharged from his office for refusing to assist at the procession—an admirable commentary upon the sentiments of toleration contained in the declaration of indulgence.\* All who were concerned in this reception, or in the embassy which occasioned it, were, by the then laws of England, guilty of high treason.

It was intended to call a new parliament to ratify the declaration of indulgence, and legally to repeal the laws which James had thus tyrannically suspended. Hence the remodelling of the corporations, and the removal of the lord lieutenants of the counties. Fourteen of these latter were now changed, and their counties transferred either to Catholics, or to those who had promised an early conversion. It was the

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\* “ His excellency had three coaches, with six horses apiece in each coach. Immediately after his excellency, in two of his coaches, were ten priests, his coach of state going empty. After them went the lord chancellor's, two of the lord president's (Sunderland), the lord privy seal's (Clarendon), and the lord chamberlain's (Duke of Norfolk) carriage. There were eighteen coaches more besides these, with six horses apiece, in which number the Lord Bishop of Durham's (Crew) was one, and the Bishop of Chester's (Cartwright) another.”—Full and true relation of his Excellency the Pope's Nuncio making his public entry at Windsor, on Sunday the 3d of this instant, July 1687. *Somers' Tracts*, vol. ix., p. 267.



CHAP. business of these new officers to inquire among the  
XV. justices of the peace, and the resident gentry, who of  
A.D. 1687 them were willing, if returned to parliament, to give  
to 1689. validity to the king's declaration. So unsuccessful  
were they in their canvass, that the king found it  
necessary to insert in the Gazette\* a notice that  
“ his majesty being resolved to maintain the liberty  
of conscience, and to use the utmost endeavours that  
it may pass into a law, and become an established  
security for after ages, has thought fit to review the  
lists of deputy-lieutenants and justices of the peace,  
that those may continue who are willing to contribute  
to so good and necessary a work, and such others  
added from whom he may expect the like concur-  
rence.”

The difficulty was now not so much to pack a house of commons, for that could be done by an open and unscrupulous exercise of this power over the corporations, as to find members willing to be returned under such conditions, and of sufficient respectability to influence the hostile majority of the house of lords.

Many expedients were proposed and abandoned for overcoming this important difficulty of a legislative recognition of the declaration ; the opinions of the lords were carefully collected, and lists were

\* December 11, 1687.

made out of the votes which would probably be given in favour or in opposition to the court, the least majority anticipated against the repeal was 86 to 33, besides 10 doubtful, and 21 Catholic peers;\* but Sunderland, could he obtain the support of a house of commons, would have unceremoniously annihilated this majority by the creation of a sufficient number of new peers. “Why, Churchill, your troop of guards shall be called to the house of lords,”† he cried out in a numerous company, and we have the authority of Lord Halifax that he said upon another occasion that he would make all Lord Feversham’s troop peers.‡

But had Sunderland accomplished his threat, and turned a troop of dragoons into the house of lords, it would still have been very doubtful whether he could have accomplished his object; he would, more probably, have found his newly-created peers, nearly to a man, voting with the former majority.§ The

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\* Mackintosh (p. 197) quotes from two lists, one sent to Holland, and in the possession of the Duke of Portland, and another sent by Barillon to his court, in the *dépôt des affaires Etrangères*.

† Burnet.

‡ Dalrymple’s App., vol. ii., p. 288. Mackintosh, p. 200.

§ It will be remembered that

in the next year, when every exertion had been made to secure the army, James tried the experiment of proposing this very question to Lord Lichfield’s regiment—a regiment he had selected as supposing them the most devoted to him, and willing to show the rest of the troops an example. When he desired all those who

CHAP. king, at this time, did not want power—he wanted  
 XV. only instruments ; but when the two national parties  
 A.D. 1687 were withdrawn from his service, and ranged in an  
 to 1689. opposition, although merely passive, there were no  
 men left to fulfil his commands. The Catholics were  
 not the hundredth part of the nation, and although  
 the dissenters might amount to a sixteenth, it was  
 but a very small portion of these who numbered  
 themselves among his supporters.\* James, there-  
 fore, had no instruments to place in the corporations,  
 which were the slaves of his will ; and he had no  
 persons to recommend to them for election upon  
 whom, if elected, he could depend to do his bidding.  
 The people were occasionally disgusted to hear of

dissented from him to lay down  
 their arms, with the exception of  
 a few Catholics, the whole regiment  
 piled their arms before him.—  
*Johnstone.*

\* William Penn, the quaker,  
 was at the head of these. He was  
 fond of inventing equivalents for  
 the Test acts : one was a statutable  
 declaration of the liberty of con-  
 science to be like Magna Charta,  
 inviolable by all future parlia-  
 ments. Penn was then supposed  
 to be a concealed papist. James  
 declared, privately, that he was no  
 more a quaker than he was : and  
 he was so zealous a courtier, that

Halifax, in his “ Address to a Dis-  
 senter,” speaks of him as qualified,  
 notwithstanding his hat, to become  
 master of the ceremonies. His  
 projected equivalents drew from  
 Halifax a tract, with the title of  
 “ An Analysis of an Equivalent.”  
 In conversation, when these me-  
 thods were proposed, that noble-  
 man answered, “ You see my nose,  
 it is not a very handsome one, but  
 I would not change it for any one  
 five hundred times handsomer ;  
 simply because this is my own,  
 and is fast to my face.”—*John-  
 stone's Letters.*

the desertion of a profligate lawyer or greedy churchman; of the conversion of a cringing courtier or a needy poet; they might express astonishment when Williams, the speaker of one of the exclusion parliaments, became solicitor-general; when Sunderland deserted his principles and his faith; or when their favourite dramatist became a renegade to his religion; but their astonishment was unmingled with apprehension, since the contempt and ridicule with which these deserters were assailed was so great, that none could be induced, by their success, to imitate their conduct.

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This unanimity throughout the nation may account for the tranquillity which reigned at the commencement of the year 1688. James, although nominally successful in all his enterprises, had made no material progress towards the establishment of the Catholic religion; and the Whigs were obliged to remain quiet under the flagrant violations of the laws which were hourly taking place, until some new attack upon their church should excite the Tories to another fit of resistance. This opportunity was soon afforded.

Early in this year when the king republished his declaration of indulgence, urged on by Petre, who now began to feel some jealousy of Sunderland, he added to it an order, which was intended as an insult to the church. They shall eat their own

CHAP. dung, was the insolent expression of this priest,  
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A.D. 1687 adopting a phrase to be found in the Old Testament.  
to 1689. When he added the clause requiring the clergy, throughout the kingdom, to read the declaration in their churches immediately after divine service, they almost unanimously refused. A meeting of the bishops was held at Lambeth Palace, and it was resolved to petition the king to recal his order.\* The language of this petition affords a striking proof of the amelioration which the events of a few months had caused in the Tory creed. The most revered members of a party, whose organ had, upon James's accession, promised an unconditional and unlimited obedience, now dared to call in question the exercise of a prerogative which the courts of law had solemnly decided to be inherent in the crown; and, restrained by the rules of courtesy from avowing the real motives of their refusal, they even condescended to found it upon an affection for the laws, and an unwillingness to acknowledge an illegal prerogative. The words of this petition were, "that the great averseness found in themselves to their distributing and publishing, in all their churches, your majesty's\* late declaration for liberty of conscience, proceeds neither from any want of duty or obedience to your majesty; our holy mother, the church of England, being, both in her principles and her

\* Burnet.

constant practice, unquestionably loyal, and having, to her great honour, been more than once publicly acknowledged to be so by your gracious majesty ; nor yet from any want of tenderness to dissenters, in relation to whom we are willing to come to such a temper as shall be thought fit, when the matter shall be considered and settled in parliament and convocation : but among many other considerations, from this especially, because that declaration is founded upon such a dispensing power, as hath been often declared illegal in parliament, and particularly in the years 1662 and 1672, and in the beginning of your majesty's reign ; and is a matter of so great moment and consequence to the whole nation, both in church and state, that your petitioners cannot, in common prudence, honour, or conscience so far make themselves parties to it, as a distribution of it all over the nation, and the solemn publication of it once and again, even in God's house, and in the time of divine service, must amount to in common and reasonable construction."

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The Oxford decree, three years before, marked the extreme flood of Toryism. This petition is the first evidence of its ebb. Its language, resting the refusal, not upon the danger such a toleration would cause to their religion—the most natural topic for a body of ecclesiastics—but upon the constitutional point of the illegality of the dispensing power,

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was bolder than any which James had heard since he had become king. His parliament had presumed only to make oblique complaints, and when they addressed James to dismiss those whom he then protected, by the exercise of his dispensing power, they almost recognised that power, by offering to compensate them for the loss of their appointments. The bishops now afforded a proof of a remarkable revulsion of feeling within those few months; shaming a house of commons by the firmness of their opposition, speaking not only as churchmen, but as citizens, and struggling for the preservation of the state, as well as the integrity of the church, they either proved that the Tories were become conscious of the fallacy of their political dogmas, and were approximating to those of the Whigs, or if the alliance were temporary and insincere, they, at least, acknowledged the superiority of the party they affected to join; and, in adopting their language, rendered that homage which hypocrisy always yields to that she imitates. There is no reason, however, to doubt the sincerity of the Tories. At this time a sufficient reason for their sudden change, both of sentiments and action, may be found in the very different position in which they were now placed, to that which they had before occupied. It is easy for the dominant party to hold, that those whom they oppress should submit without a murmur, but

he must be either more or less than man who feels the scourge and becomes a convert to the doctrine.

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The trial of the bishops for the presentation of this petition might suggest to some the idea that James was struck with a judicial infatuation: their acquittal by a jury packed by the court, carefully sounded beforehand,\* and containing among them not only dissenters and persons employed in the public offices, but some even of the king's household,† shows how thoroughly all parties detested their persecution. The manner in which the verdict was received is a proof still less equivocal. Reresby calls the tumultuous shout which passed over the kingdom "a very rebellion in noise." The huzza from the audience in court "was echoed from without," says Sir James Mackintosh, "by a shout of joy which sounded like a crack of the ancient and massy roof of Westminster Hall;" but the most terrible echo of that shout, which resounded in the ears of the baffled tyrant, was that which was caught up by the troops that surrounded him at Hounslow, and filled the camp with cheers which no military discipline could restrain—this outburst told him that his soldiers sympathized with the citizens. Henceforward he must have felt that the

\* Johnstone's Letters.

—*Gutch Collectanea Curiosa*, vol. i.,

† Arnold, the brewer of the royal household, for a long time opposed the verdict of acquittal.

p. 374; *Ellis*, 2d series, vol. iv., p. 105; *Mackintosh*, p. 274.



CHAP. XV. army, upon which he had bestowed such pains, was formidable only to himself. The dissenters vied with A.D. 1687 to 1689. the churchmen in their expressions of joy; and even the acidity of sectarian animosity was lost in the effervescence of the national exultation.\* The Roman nuncio writes in religious horror, that “the fires over the whole city, the drinking in every street, accompanied by cries to the health of the bishops and confusion to the Catholics, with the play of fireworks, the discharge of fire-arms, and the other demonstrations of furious gladness, mixed with impious outrage against religion, which were continued during the night, formed a scene of unspeakable horror, displaying in all its rancour the malignity of this heretical people against the church.”†

The reverence in which the church and its ministers were held by the public in the seventeenth century, and the influence which the latter exercised over their flocks, were far greater than the experience of later ages accustoms us to contemplate. Many circumstances concurred to create and maintain this influence; education as it now exists was withheld from the lower ranks; very few among them could

\* “Some of the gown were also observed to be as loud as any; for which the attorney-general caused one of Gray’s Inn to be seized, and bound him to answer to an information. The solicitor-general

was like to catch another, but that he narrowly escaped with the crowd.” — *Ellis’s Letters*, 2d ser. vol. iv., p. 110.

† Mackintosh, p. 276.

read, and those few had access to no political works of a popular character. Public meetings were unknown; and as religious controversy is not found to flourish long among illiterate men, the body of dissenters was comparatively small.\* The yeomen of the counties resorted to their parish church, and were content to take their politics, as they took their religion, from their minister. Oral communications spread but slowly, and with great inaccuracy. The reading-desk was the only vehicle for the extensive publication of any document among this important class. Hence the numerous orders for reading acts of government, and the numerous enactments requiring legal notices in the parish churches. Unaccustomed to the consideration of political subjects, flattered by having any such affair submitted to their judgment, and hearing only an *ex parte* statement of the merits of the question, a speciously written declaration from the government seldom failed to

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\* According to a computation *holders* throughout England were made in the next reign, the *free-* estimated, upon an average, as

Conformists to nonconformists ..... 22  $\frac{4}{5}$  to 1.

Conformists to papists ..... 178  $\frac{1}{3}$  to 1.

Conformists and nonconformists to papists 186  $\frac{2}{3}$  to 1.

At this time the numbers of but a small portion of the residents in towns, and it was among somewhat increased, and those of these that the spirit of dissent the papists diminished. This chiefly prevailed.  
computation, however, included

CHAP. produce some effect. But if, as was usually the  
 XV. case, the reading of the document was followed by  
 A.D. 1687 an harangue from the pulpit, convincing and ex-  
 to 1689. citing either by its eloquence or its violence, the  
 impulse thus given was irresistible, and prejudices  
 were implanted in the auditors according to the  
 pleasure of the preacher. In the towns the influence  
 of the established clergy was somewhat less; the  
 conflict of opinions was, of course, more frequent,  
 and its effects were seen in the increase of conven-  
 ticles; but still the absence of education precluded  
 the rapid circulation of political knowledge, and the  
 dissenter, like the churchman, was commonly con-  
 tented to receive his politics from the pulpit.

That such a body of men as the country clergy, frequently cut off from all extensive intercourse with the world, looking upon the church as the great object of veneration, and the court as the great source of preferment, should wield so vast a political power, was a circumstance often perilous to the liberties of England. This is a consideration which must never be neglected when we are seeking the cause of some sudden change in the sentiments of the nation, and, consequently, in the position of parties.

Upon the occasion of the outrage upon the church, in the persons of the bishops, this power was called into exercise under circumstances peculiarly favourable. The elders of the church, which they had

from their childhood been taught to revere, persecuted by those papists whom they had as early learned to hate, was a theme upon which no minister could fail to be eloquent, by which no congregation could fail to be excited: but there was a difference in these harangues which few of the hearers could fail to remark. In the reign of Charles II., they had been excited against popery only, now they learned that tyranny, as well as popery, was a legitimate cause of resistance. The prelates, whom they were called upon to succour, were not only the guardians of their religion, they were also the champions of their liberties: these liberties were doubtless, in many instances, explained, their value described, and the duty of defending them inculcated,—the knowledge was never forgotten.

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Neither the united voice of the nation, nor the open manifestation of insubordination in the army, could open the eyes of the infatuated monarch. Rendered only more desperate by the opposition he encountered, he again remodelled the corporations; he removed the two judges, Powel and Holloway, who had summed up in favour of an acquittal,\* dis-

\* Reresby. Ellis's Original Life of James, but not, it must Letters, Second Series, vol. iv. be admitted, upon the authority Gazette. This well-authenticated of those original journals, from fact, which is mentioned by almost which his work is chiefly compiled. every contemporary authority, has been denied by the editor of the

CHAP. charged many of the Middlesex magistrates, and  
 XV. replaced them by papists ; he ordered the trial before  
 A.D. 1687  
 to 1689. them of those who were engaged in the tumultuous  
 rejoicings, and he commanded the introduction of  
 Irish Catholics into the army.\* He was baffled again  
 in all these attempts. No management of the cor-  
 porations could obtain him any favourable report of  
 the probable result of an election ; the grand juries  
 threw out all his indictments against the rioters ;  
 and those officers who had received the command to  
 admit Catholics into their companies chose rather to  
 submit to the sentence of a court-martial than obey  
 it. James dismissed them in a manner which secured  
 for him the full odium of the punishment, without  
 the usual credit for energy in its infliction ; and the  
 officers were fully recompensed by the plaudits of  
 their countrymen.†

Sunderland appeared as blind as his master to the  
 signs of the times ; to atone for his recent advocacy  
 of more moderate measures and to keep pace with  
 Petre, who was rapidly rising above him, he openly  
 professed his conversion, and was publicly admitted  
 into the church of Rome.‡

\* Reresby.

description of the insurmountable

† Reresby. See also the letter  
 from Father Petre to La Chaise,  
 printed in the appendix to vol. i.

nature of the difficulties which  
 James was now attempting to  
 overcome.

of Mr. Trevor's Life of William  
 III. This letter conveys a vivid

‡ Ibid. Burnet.

The ecclesiastical commissioners were more prudent, they issued but never enforced an order for a return of those clergymen who had not read the declaration, and soon after Sprat, whose habitual watchfulness had discovered the probability of a change, sent in his resignation. Jefferies swore the man was mad, but his fellow commissioners thought differently. The commission was thenceforward virtually dissolved.

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Hitherto the opposition of the nation had only been passive. Those who had proposed violent measures had not met with the unanimity which could alone procure their success. The prospect of a Protestant successor tended to reconcile them to the endurance of hardships which promised to be but temporary.

Two days after the committal of the bishops (June 10), the queen was delivered of a son, and this hope also disappeared. The legitimacy of this prince is one of the best authenticated facts in our history. There were present no less than twenty of the privy council at his birth, the room contained also a great number of ladies, the curtains of the bed were open, and a concourse of persons at the side, all deeply interested in the event, and many of them anxiously upon the watch to detect an expected fraud. Dr. Hugh Chamberlayne, a known Whig, who had suffered for his political principles, was the

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surgeon, and although, by the accident of being from home when sent for, he did not arrive until an hour after the birth, that could not be attributed to any contrivance of the king, and is satisfactorily accounted for by the event occurring a month before the queen had anticipated it.\* This gentleman long afterwards declared his conviction that the child then brought forward, as the Prince of Wales, was really the son of the queen ;† and no person can now read the answers returned by the Princess Anne, to the twenty-three questions which her sister, the Princess of Orange, proposed upon this subject, without being entirely convinced of the perfect fairness of the whole transaction, although it is evident that the princess, who wrote them, herself inclined to a different opinion.‡ The answer to the thirteenth question appears conclusive upon the subject, and gives an account of the accouchement, which leaves no room for doubt in the minds of any who were not predetermined in their judgments.

Notwithstanding this abundant proof it long continued part of the creed of both parties that this child was supposititious. At the time of its birth the whole nation was obstinately incredulous. Lord

\* Letter from the queen to the Princess of Orange.—*Ellis's Original Letters*.

Sophia.—*Dalrymple's Appendix*, vol. ii., p. 311.

† *Dalrymple's Appendix*.

‡ Letter to the Electress

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Clarendon remarked, with despair, that only two or three persons in a large congregation provided themselves with the form of prayer issued for the occasion. The Bishop of London did not believe in the child's identity himself, and doubted whether there was one person in a thousand who did.\* The Bishop of St. Asaph, equally sceptical, continued to avow his opinion long afterwards, and the Bishop of Bristol shared the conviction of his brethren. Mordaunt, Danby, and Devonshire, insinuated their suspicions to the Prince of Orange,† and so strongly were these rumours supported and authenticated at that court, that the prayer, which upon the arrival of the news had been read in the chapel of the princess, was discontinued upon receipt of the fuller intelligence. Motives of prudence‡ caused it to be resumed upon the remonstrance of James, but both that monarch and his queen complained, the latter to the princess herself, that no notice of the child had ever been taken either by her or by the prince her husband in their letters, notwithstanding the frequent mention which had been made of him in the letters which both she and James had written to them.§ This direct complaint only drew from the princess an

\* Note to the Oxford edition  
of Burnet.

† Dalrymple's Appendix.

‡ Burnet, vol. i., p. 754.

§ Ellis's Original Letters, vol.  
iii., p. 348. See also Second Series,  
vol. iv., p. 117.



CHAP. XV. equivocal expression of affection for any son of the king her father.

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to 1689. Every incident during the confusion of a crowded lying-in room was tortured into a proof of deception, for the nation had arrived at a conclusion that such it would be, long before the event occurred. The stories were various and contradictory; some affirmed that the supposititious child had been brought in in a warmingpan, and that the queen was not pregnant at all; others that the labour was real, but the child was still-born. The account given by Burnet requires no less than three supposititious children, since he has proofs of the death of two, both equally plausible.\* The real grounds of the incredulity so prevalent upon this subject, were the knowledge which all men had of the bigotry of the king, and their conviction that as there was no baseness which his priests would not advocate, in order to secure so important an object as a popish successor, so there was nothing which they could not influence him to undertake. Upon the first announcement of the queen's pregnancy, the Catholics had been lavish of their vows, and bold in their prophecies: the Protestants no sooner heard these confident predictions, than they were convinced that they were not

\* Burnet, vol. i., p. 755. See the notes upon this part of Burnet in the Oxford edition.

hazarded without some information, less fallible than the aspect of the stars, or the miraculous powers of the Roman church : when they were fulfilled none doubted that the prophets had themselves taken care that the event should confirm their skill.

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The legitimacy of this prince is by no means an unimportant consideration with respect to our subject, since these fables were long used by the Tories as a cloak, under which they attempted to disguise the inconsistency of their after conduct.

This event more firmly united all the Protestants of the empire against James. Both Whigs and Tories saw in it the extinction of all hope of resurrection, either for their religion or their liberties. The Tories saw in the fraud, for such they doubtless conscientiously believed it to be, a violation of all those doctrines of hereditary and divine right which they had so openly professed in more prosperous days, and which, even in their present state of humiliation, were rather avoided than renounced. The birth of this child, which the king hailed as the event that was to consolidate his power, was the immediate cause of the loss of his throne. The discontents which the violent measures of James caused, had not evaporated in popular clamours and judicial struggles. While the people complained their leaders had coalesced, they naturally looked to the heir presumptive to the throne, a zealous Protest-

CHAP. ant, professing the principles of constitutional liberty  
 XV. and religious toleration, as their refuge from the  
 A. D. 1687 tyranny of the present occupier; and applying to  
 to 1689. the inheritance of a kingdom the rules which  
 govern a private property, they conceived that  
 she who had a right to the throne, after the  
 determination of the life interest of the present  
 holder, had also a present power of interference  
 for the preservation of that right, and that her  
 husband was bound to protect her from the con-  
 sequences of those measures which could only find a  
 natural conclusion in the destruction of the monarchy.

At the commencement of 1687 the prince had sent Dykvelt to England as his ambassador, a man well informed as to his intentions, and faithful to his interests. It was the business of this agent, besides the ostensible negotiation with which he was intrusted, to mark the course of popular feeling in the country; to hold frequent communication with the Protestant party; to encourage them in their opposition to popery; and to nourish their animosity against France. To this man first the Whig then the Tory leaders resorted: they continued to communicate with him, and afterwards with his successor Count Zuylesteyne, as one national party.\*

\* Mr. Fitzpatrick writes to the great prudence, and the zeal he is  
 Prince concerning Dykvelt, " His believed to have for your highness

The result of this connexion is soon to be traced in the letters received by the prince.\* During the same year, and the commencement of the next, the Bishops of London, Bath, Bristol, and St. Asaph; and among the temporal peers, Shrewsbury, Devonshire, Bath, Halifax, Bedford, Nottingham, Lumley, Mordaunt, Danby, Rochester, Churchill, and even Sunderland†—men of every shade of politics—are found in active correspondence with the prince, always declaring their attachment to his person, as James became more open in his attacks, increasing in their expressions of devotion; and upon the birth of the Prince of Wales, we find some intimating that this devotion is still unshaken;‡ and nearly all referring to conversations with Dykvelt, upon subjects which were probably too perilous to be committed to such a channel of communication.

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and the princess, has got him the universal good opinion of all parties here, though differing never so much in their religions, which your highness will easily find by the freedom with which they have communicated their innermost thoughts, hopes, and fears to him.”—*Dalrymple's App.* vol. ii., p. 194.

\* *Dalrymple's App.*, vol. ii., p. 180.

† Both personally (letter of May 28, 1687) and through his wife. See this mysterious epistle in *Dalrymple's App.*, vol. ii., p.

187, it is dated as early as March, 1687. The princess Anne described this lady as a “flattering, dissembling, false woman;” and of the husband and wife, she says, “As she is, throughout, the greatest jade that ever was, so is he the subtillest, workingest villain that is on the face of the earth.”—*Dalrymple's App.* vol. ii., p. 299.—Evelyn speaks differently of her.

‡ “I am as much this eighteenth of June as I was the ninth your highnesses devoted, &c., Shrewsbury.”—*Dalrymple*, vol. ii., p. 288.

CHAP. Before the birth of the Prince of Wales it was in  
 XV. agitation to invite the Prince of Orange over to pro-  
 A.D. 1687 tect, by a forcible interference, the institutions of the  
 to 1689. country. The originators of this revolution were,  
 perhaps, the two best representatives of the two  
 national parties which could have been chosen. The  
 Earl of Devonshire, who has before, as Lord William  
 Cavendish, the friend of Russell, and only the second  
 among the founders of the Whig party, claimed our  
 admiration. Lord Danby, the constant and violent  
 opponent of Lord Cavendish and all his party; their  
 strenuous and at last their humbled enemy; a Tory  
 in politics, an admirer of prerogative, a hater of  
 popery, and one who submitted to the alliance of  
 France only to resist the claims of the people.—“At  
 Whittington,” says a writer who probably relied upon  
 the tradition of the country, “a village on the edge  
 of Scarsdale in Derbyshire, the Earls of Devonshire  
 and Danby, with the Lord Delameer, privately con-  
 certed the plan of the revolution. The house in  
 which they met is at present a farm-house, and the  
 country people distinguish the room where they sat  
 by the name of the plotting-parlour.” \*

\* Dr. Akenside's Ode, addressed to the Earl of Huntingdon :

“ Where Scarsdale's cliffs the swelling pastures bound  
 There oft let the farmer hail  
 The sacred orchard which embowers his gate,  
 And show to strangers passing down the vale  
 Where Cavendish, Beoth, and Osborne sat,

Lord Danby himself confirms this anecdote. When speaking of his impeachment by the Whigs, he says, "The Duke of Devonshire, also, and I were partners in the secret trust about the revolution; and he did meet me and Mr. John D'Arcy for that purpose, at a town called Whittington in Derbyshire."\*

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Upon the birth of the Prince of Wales the invitation was no longer delayed, but when the decisive moment drew near the hearts of many who wished well to the expedition failed. Halifax had been so fruitful in excuses for delay, that the prince judged it imprudent to intrust him with the secret; Mordaunt, once so impetuous, was now all despondence; Nottingham altogether drew back—he could not summon sufficient firmness to risk the penalties of treason. This latter nobleman was now considered at the head of the Tory party; for Rochester had lost that position by his mean compliance with the king, and by sitting and voting upon the ecclesiastical commission, and Danby's name was still associated with the recollections of the French alliance, and the iniquitous intrigues revealed by Montague.

When bursting from their country's chain,  
E'en in the midst of deadly harms,  
Of papal snares, and lawless arms,  
They planned for freedom this her noblest reign."

[The passage quoted in the text is a note to these lines.]

\* The Earl of Danby's (then the Duke of Leeds) Letters. *Introduction*, p. vi.

CHAP.      The invitation which was at last transmitted to  
XV.      the prince, was signed only by seven persons ; but  
A. D. 1687      these were persons of the highest station and the  
to 1689.      greatest influence. It is said that the meeting at  
which it was agreed upon and signed, was held at  
the house of the Earl of Shrewsbury.\* This noble-  
man was the first who subscribed the invitation : he  
was followed by the Earl of Devonshire, whose name  
is succeeded by that of the Earl of Danby. Lord  
Lumley signed next, and his name is followed by  
that of the Bishop of London. The two concluding  
signatures startle us with the names of Russell and  
Sidney, once more in conjunction. The first was  
Admiral Russell, so well remembered as the victor  
at La Hogue, and yet more interestingly connected  
with the present scene as the cousin of Lord William  
Russell. Henry Sidney was the brother of the  
patriot, whose name he bore ; he had exerted himself  
with great address and indefatigable industry to bring  
about the expedition, and he now stepped forward to  
claim a place among that little company of seven,  
who, by a deliberate act of high treason, staked their  
lives upon the success of their attempt to regenerate  
their country.

Upon analyzing this council of seven, we discover  
in it none of those elements of republicanism which

\* Burnet.

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lurked in the council of six, of the pretended Rye-house conspirators; an important circumstance in the history of the parties, since it discovers the Whig party for the first time as a purely constitutional faction, purified from the antimonarchical alloy with which it had before been combined. Not one of the subscribers to the invitation to the Prince of Orange had the most distant idea of effecting any change in the form of government. With Shaftesbury and Sidney departed all mention or thought of a commonwealth in the consultations of party leaders; the only subject now canvassed was not the overthrow of the monarchy, but the recovery of the constitution. Devonshire, Sidney, and perhaps Russell, belonged to the old Whig party; Danby to that section of the Tories who looked upon their power and place as involved in the safety of the Protestant church, and had moreover recently discovered the inconveniences of living under a tyranny. The Bishop of London, who had once worn a sword,\* was an example of the best but smallest section of the Tory party; he combined with a devotion to his church a love for his country's liberties; he could contend for the rights of his order without placing among those rights the destruction of those of others; and while he

\* He had held a commission in the guards. When the Princess Anne fled he accompanied her in her flight, and took the command of the troop of volunteer horsemen which escorted her to Nottingham.



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claimed protection for the church of England, he offered no disgraceful barter of the civil liberties of those whom she influenced. The Earl of Shrewsbury was a young nobleman of high character and great popularity, influential with both parties, although himself a moderate Whig : he exhibited all the zeal of a recent convert against popery, and it was perhaps the fear of that faith which he had once professed, which rendered him so active upon this occasion. The very circumstance of having left the Catholic for the Protestant communion, at such a time, evidences a sincerity and devotion in his religious sentiments which were probably found in few of the others.

Such was the complete amalgamation of parties which was caused by the tyranny and bigotry of James, and which produced the revolution of 1688. It would be foreign to the purpose of this work to relate the particular accidents which facilitated the success of the great design they had undertaken.\* The treachery of Sunderland, the profligate, but

\* That Sunderland acted treacherously there is abundant proof; to determine how far that treachery extended, and how far he was credited by the prince, would require some discussion of the authorities. Bonrepaux was probably right when writing to his court concerning James's minis-

ters, he calls Jefferies “ *un extravagant qui fait tout ce qu'on veut et le seul peut-être qui ne prends pas des mesures secrètes.*” Sunderland is supposed to have communicated with the prince through Sidney, notoriously the favoured lover of his countess.

masterly, dexterity with which he contrived to deceive both his master and Barillon, and to keep both in ignorance of the events which were passing in Holland, the drowsy inactivity of James, his infatuated indifference to the approaching tempest, his ill-timed pride inducing him to refuse the protection of Louis, and to destroy the effect of the only threat at which the States could feel alarm,—these are subjects for the general historian; the streams of party having now formed a temporary junction, it does not become necessary to mention every circumstance which occurred to accelerate or impede their common course.

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To canvass the conduct which every public man pursued after the prince had landed, would lead us into a tedious and desultory history of the period.\* That of the bishops, however, is too prominent, and bears too much reference to the tenets of a party to be wholly unnoticed. James, who had been so long accustomed to hear from these fathers of Toryism the courtly doctrines that he loved, might well be

\* James's letters at this time, expressive of the anxious interest he took in the war against the infidels, and of his joy at the circumstance of the pope's accepting his mediation in the affair of the franchises, realize the idea of the fabulist, showing us a man speculating on the stars, unconscious that he is treading upon a precipice. See the correspondence of this period in Dalrymple's App. a mine of authorities so copious that it would be tedious to give a reference to each passage glanced at in the text.

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surprised when he found it asserted in the declaration of the invader, that several of them had invited him to lead an army into their sovereign's kingdom, and to appear in arms against the monarch who, they were used to teach, was the delegate of their God. He must, however, have been yet more surprised when, upon showing the declaration, he could draw from them only a faint and verbal denial, and when they formally refused to put that denial into writing, or to solemnly express an abhorrence of the prince's enterprise.

Compton, who was more suspected than his brethren, was interrogated at a previous audience, and his reply had been a skilful equivocation, that he was confident that the rest of the bishops would as readily answer in the negative as himself. At the subsequent interview he refused to answer any further, referring to what he had already said. For that equivocation the bishop has been severely, but rather absurdly, censured by one who appears to have no kindly feelings towards the authors of this revolution. The bishop by signing the invitation to the prince, had committed an act which the law called high treason. He was now in the power of the king against whom that treason had been done. Surely if that act was in itself laudable or necessary, there is no rule either of morality or honour which could enjoin an avowal which would have cost him his life.

When we find the bishops of the church of England, the very head of that portion of their party whose politics were part of their religion, refusing to express their abhorrence of an open rebellion then raging in the kingdom, we see the mighty change which Toryism had already undergone. The doctrines of the church had given way before the terror of the dangers which threatened her temporalities.

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The desertions which immediately ensued have been recorded as examples of the blackest ingratitude, and in too many instances the imputation cannot be denied. Men who had owed their whole advancement to James, now promised fidelity, were trusted, and betrayed him. No consideration can make us regard with pleasure the dissimulation of Ormond or Drumlawrig, or read without strong reprobation the refined treachery of Churchill. It must, however, be remembered, that those who are most prominent in the catalogue of traitors could have procured, upon the condition of their conversion, far higher honours under James than any they could hope to receive from the prince. Whether the crusade which James had commenced against all who continued steadfast to the English church had absolved him from all ties of gratitude, was a question which the casuistry of

CHAP. a courtier would probably solve in the affirmative ;  
XV. and since he was persecuted for his religion he might

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to 1689. easily persuade himself that he was justified in joining a prince who treated the report that he had a design upon the crown as a calumny, and stated his object to be, not the dethronement of the monarch, but, the protection of the religion and liberty of the subject.

That many of those who now forsook the king had no further intention than the redress of grievances is proved by their after conduct. Among the present partisans of the Prince of Orange appear the most illustrious of those names which were afterwards reckoned among the party of the Jacobites, and in the muster-rolls of the pretenders.

These observations apply only to individuals of the Tory party. The Whigs\* had no favours to requite : in too many instances they had wrongs to revenge.

Upon the landing of the prince it became immediately evident how impotent the priests behind the

\* James has attempted, in his Memoirs, to fix a charge of ingratitude upon the Earl of Devonshire. I have already mentioned the circumstance of this nobleman leading an insolent courtier from the presence-chamber by the nose and being fined £30,000 for the assault. James claims the merit of having remitted this fine : the fact appears to be that the duke had the greatest difficulty in procuring that certain bonds given by the two Charleses, for money advanced to them in their extremities, should be admitted as a set-off to this enormous mulct.

throne were to avert the ruin they had called down. Petre had obtained the disgrace of Sunderland, who, dismissed from all his offices, and perhaps trembling for his head,\* declared, to his former dependants, that he merely retired because it was, at present, inexpedient to employ Catholics. For a moment Petre and his fellow labourer, the Earl of Melford, held the ascendancy: but James, alarmed by the suddenness and magnitude of his danger, was now really aware of their incapacity, and turned for advice to those of the Protestants who were still with him. These, however, could already read the signs of the times. They had nothing to expect from his success, every thing from his failure. Halifax and Rochester now intrigued, not for the honour of serving, but for the opportunity of betraying him. Halifax was the successful competitor; joined with Nottingham, who had refused to sit at the council-board, and Godolphin—who had already changed his allegiance, in a commission to treat with the king, he, at his first meeting with the confidential agent of the prince, expressed his determination to use his powers as he might direct. After an interview with the prince,† he wrote to the king, declaring that he thought there was a design

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\* As he himself afterwards declared in his pamphlet, called Country," but this is a tissue of the most notorious falsehoods.

† A Letter to a Person in the Reresby.

CHAP. against his person, and Godolphin seconded the  
 XV. intrigue by a letter of advice to withdraw, and within  
 A.D. 1687 a year his people would invite him back upon  
 to 1689, their knees.\*

It was, doubtless, this letter from Halifax which caused James's suddenly conceived and rapidly executed project of flight. The services of that nobleman in bringing about the revolution were so great, that we could wish to remove from him that stigma of treachery which renders deeds, that were the salvation of his country, the dishonour of the man.

The sufferings of James were now, doubtless, great : deserted by all those who had been accustomed to deem themselves honoured by his slightest command, a terrified fugitive, stealing under the cover of darkness and disguise, from his capital and his kingdom, then a captive in the hands of the rabble of a small fishing-town, cringing, entreating, and imploring his life from these ignoble masters of his fate, while the nobles of his council sought, in affected ignorance of his situation, an excuse for conniving at his destruction : then again, when, for a moment, installed in his former dignity, and when beginning to remember the language of command,†

\* Lord Dartmouth's note upon Burnet, Oxford edition, vol. iii., p. 345.

† Sheffield, Duke of Buckingham's Account of the Revolution.—*Works*, vol. ii., p. 95.

banished at midnight from his palace by the voice of the man he had confided in as his ambassador, reduced to the necessity of borrowing so small a sum as a hundred guineas from a subject, and, lastly, obtaining by favour of his enemy, an ignominious safety in a second secret flight; these were sufferings which, having none of the dignity that commonly ennobles the reverses of royalty, must have borne with tenfold weight upon the haughty spirit of the last of the Stuart kings. Yet, amid all this misfortune, he must be possessed of a very morbid sensibility who can pity James. When we picture him kneeling and crying before the hooting rabble, we see also Monmouth kneeling at his feet; the rude jests which assailed James from the fishermen of Feversham, were not nearly so savage as the cool denial of mercy with which the duke was dismissed from the presence-chamber to the scaffold. What suffering, which James underwent, can we compare with the horrors which he jested of, as Jefferies's campaign in the west? No one ever thought of pitying the fate which now overtook that instrument of human butchery, why, then, should we waste commiseration upon him who was the real author of all the other's crimes, and who superadded to them the diabolical deeds which he personally perpetrated in the torture-chamber in Scotland?

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In the midst of all his distress one act in the dark



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catalogue of his crimes was brought before him with its full force. Previous to his flight he called together those nobles who were within reach of his summons, to advise with them upon his affairs. The Earl of Bedford, whom age and despondency had long secluded from public business, came among the rest. "You, my lord," said James to this popular nobleman as he sat at the council-board, "could do much for me in this extremity." The earl replied that he was now old and incapable of exertion ; "but," he added with a sigh, "I once had a son who might have been of infinite service to your majesty at this moment." It is said that James was pale and confounded at the reply. It was the rebuke of a father to the murderer of his son.\*

Even the treachery of which James was the victim was in many instances of a character to excite only disapprobation of the traitors, not commiseration for the betrayed. Their master had rivalled them all in ingratitude. Hyde, Earl of Rochester, at one time his chief, at all times his devoted supporter, who had served him faithfully through his difficult and apparently hopeless struggle for the crown, was cast aside like a worn garment, when success had rendered him unnecessary. The eloquence of Halifax, to which he was not less indebted for his throne, could not pro-

\* Kennett.

tect him from similar treatment; and not the most  
unconditional compliance, even to the abandonment  
of his religion, could preserve Sunderland, when  
he halted for a moment in the course he was given  
to run.

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The king arrived in France on the last day of the  
year 1688.

## CHAPTER XVI.

Views of the two parties—Meeting of the convention parliament—  
 Debates upon the settlement of the government—Somers—Separation of the parties upon the question of a regency—Election of William and Mary to fill the vacant throne.

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THE tyranny of James was the force which had compressed the two national factions together: no sooner was this removed than they sprang back from each other with a powerful elasticity, and resumed their antagonist positions. Before the meeting of the convention parliament the opposition was renewed; while the lords were yet sitting unsummoned at Guildhall and at Westminster, under the presidency of Halifax. At the meeting of lords and commons; which the prince called to deliberate upon the state of the nation, Nottingham, the head and organ of the Tories, opposed the proposition of assembling a parliament by letters from the Prince of Orange,

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insisted upon the illegality of such an assembly, and suggested the strange expedient of addressing the king, whom they had driven from the country, to summon a parliament, that they might legally dethrone him.\* The slender support which this amendment received, discovered how little attention the old doctrines of Toryism were now likely to command.

This was still more unequivocally shown in the elections which took place in obedience to the address of the convention and the letters of the prince. The Tories, frightened at the success they had themselves assisted to achieve, were now anxious to neutralize its effects, and applied themselves to the difficult task of reconciling their acts with their principles. Nottingham proposed the establishment of a regency, which should govern in the name of the king. This was considered by his party as the least theoretical irregularity: if they failed to obtain this, the next best expedient for them was to presume a demise of the crown, and, passing over the Prince of Wales by means of the convenient fable that he was a supposititious child, to declare the Princess of Orange queen.†

These schemes, which were already agitated, naturally compromised their projectors with the Prince of

\* Burnet.

she enclosed the letter to her hus-

† Danby wrote to the princess band.

offering to accomplish this, and

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Orange, who, from a very comprehensible dislike to become the subject of his wife, was equally hostile to them both. The Whigs, on the contrary, wished to secure the permanent triumph of their principles, and they were the rather inclined to raise the prince to the throne, since, having no semblance of any hereditary title to it, his reign and those of his successors would form an ever present and ready vindication of their constitutional creed. The prince was now universally popular, and the electors, partly because they agreed with the Whigs, and partly also, because they were grateful for their deliverance, and thought that their deliverer deserved to be their king, returned a great majority of Whigs to the convention parliament.

On the 22d of January, 1689, this memorable parliament met at Westminster, and the complexion of the two houses was immediately shown by the lords choosing Halifax as their chairman in opposition to Danby, and the commons unanimously electing Mr. Powle to be their speaker. The appearance of the new house of commons immediately declared the complete re-establishment of the old Whig party. Looking around the benches a spectator might have dreamed that nearly ten years had been annihilated, and that he was looking upon the last parliament which Charles had assembled within these walls. Birch, Powle, Lee, Lyttelton, Capel,

Maynard, Harbord, Treby, were all there—names and voices which were well remembered by those of the assembly—who could call back the days of Whig ascendancy; and if some vacant seat suggested a melancholy recollection of him who had filled it, these might now remember that Russell had not died, and Jones had not laboured, in vain; that Hampden, their friend and colleague in the labour of the Exclusion bill, the son of a yet more illustrious father, was yet present to lead their debates, and add the weight of his matured experience to their decisions; and that he had, moreover, given them a son who inherited the hereditary patriotism of his house, and had already suffered with constancy for the cause for which his father was still striving and his grandfather had died.

The progress of the momentous debates which ensued quickly showed how different were now the views and prospects of the nation to those which appeared at the time to which we have referred. The voices of these men had then proclaimed, perhaps accelerated, the approaching extinction of liberty; they sounded as the flappings of the wings which ignite the pyre of the dying phoenix, now they arose as the joyous cry with which the same bird of fable springs from her ashes, and wings her way with renovated strength towards the skies.

But among these Whig leaders of a former gene-

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ration, there appeared others whose powers of oratory and strength of opinion manifested in the debates which ensued, marked them as aspirants to an equality. Mr. Dolben, son of the late Archbishop of York, was one of these. Mr. Wharton, the eldest son of Lord Wharton, who had been one of the earliest of the men of rank who had joined the prince, now commenced his parliamentary career, and his first effort was in accordance with the reputation which he retained through life, that of a consistent, an able, and an ardent Whig. By far the most illustrious, however, of those who now for the first time took part in debate, was John Somers, a man to whom immediate precedence was willingly yielded. But Mr. Somers, who had now arrived at the age of thirty-seven, had long been known as an active Whig. At the latter end of Charles's reign, having rapidly passed through a public-school and the University of Oxford, he arrived in London for the purpose of commencing a course of study for the bar. Possessed of indefatigable industry, directed by a polished and classical taste, Somers had already qualified himself to seize the first opportunity of distinction: placed as a pupil with Sir Francis Winnington, who was at that time of some importance among the Whigs, he had early access to the chief men of the party whose principles he had already espoused. These quickly discovered the value of

their new associate ; he was courted and esteemed by Lord Essex, and he returned the friendship with which that nobleman honoured him : his able pen was always ready for the service of his party, and although it is impossible to agree with the grateful panegyric pronounced by Mr. Addison, that Lord Somers was the best writer of the age in which he lived, yet we may agree with Burnet, who, speaking of a tract written by Mr. Somers, in vindication of the grand jury that acquitted Shaftesbury, adds, that he wrote the best papers that came out at that time. While these and lighter works\* occupied his leisure, he was increasing in reputation as a lawyer ; during the last reign he had been engaged as junior counsel in nearly all those trials which involved constitutional questions : and, at the most important of all of them, that of the bishops, his was the address which is said to have had the greatest effect upon the jury. We have seen that when James assumed the mask of universal toleration, and sought to release the Catholics in order that he might have their assistance to bind the Protestants,

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\* He contributed largely to the translations of Plutarch's Lives and Ovid's Epistles, which were then printed by Tonson. Lempriere. Somers's History of the succession of the crown of Eng- land was altogether a political work, written in favour of the Exclusion bill, and his share in preparing the answer to Charles's declaration has been already adverted to.



CHAP. Somers was upon the list of those whom he proposed  
 XVI. to have elected. James had, doubtless, been de-  
 A.D. 1689. ceived by the known liberality of Somers's politics,  
 but he quickly substituted for his name that of a  
 more compliant individual, when he found that  
 Somers judged from the fact of the Protestants  
 being expelled from the great offices of state *against*  
*the laws*, what toleration might be expected by  
 them when that check was withdrawn. Somers is  
 immediately afterwards found among those who were  
 concerting measures for advancing the enterprise of  
 the Prince of Orange. Those efforts being crowned  
 with success, his native city, Worcester, now re-  
 turned him to parliament.\*

The commons of the convention parliament thus  
 assembled, having agreed, almost without debate, to  
 an address, which the lords had drawn up, to the  
 prince, thanking him for his interposition, and de-  
 siring him, provisionally, to take upon himself the  
 administration of public affairs, entered immediately  
 upon a consideration of the state of the nation. That  
 the debate might be the more unrestricted they  
 resolved themselves into a committee of the whole  
 house, and of this committee Hampden was chairman.

Mr. Dolben opened the debate, and arguing that

\* Walpole's Royal and Noble No. 39. Life of Lord Somers.  
 Authors. Addison's Freeholder, Biog. Brit. Burnet. Tindal.

James had voluntarily forsaken the government, urged that he had ceased to be king and moved a resolution to that effect. Sir Richard Temple agreed that the king had deserted the government, but could go no further than to say that it was now their duty to take care of it. Sir Christopher Musgrave, a high Tory and a leader among his party, but one of those whose loyalty could not prevent their dismissal from office during the late reign, naturally felt some resentment against the king; he was divided between his fear of James's return and his horror of Whig doctrines, and he wished to avoid the responsibility of giving a judgment by referring the question as one of law to be decided by lawyers.

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Mr. Wharton repudiated such technicalities, and cared nothing for the words, if it was decided in effect that the fugitive was not still their king. Maynard, from whom the house expected a solid argument upon the most momentous subject of constitutional law, indulged only in inconclusive generalities. Sir George Treby was more argumentative; and Sir William Williams, having before abandoned the popular party and become the instrument of their persecution, now, by a second treachery, sought impunity by inveighing against his late master. Somers followed, and drew a parallel between the present case and that of Sigismund King of Sweden, who, when he had tried in vain

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to force his way to the throne, broke the agreement which he had entered into with his subjects and retired into Poland; the Swedes declared the throne vacant and elected Charles VIII. to fill it, a precedent which, as Somers argued, must go far to convince foreigners at least of the legality of the proceedings which the English nation was about to take. Finch, the second son of the Earl of Nottingham and a lawyer of considerable reputation, who, having held the office of solicitor-general, had been dismissed because not quite sufficiently compliant, had since then joined the Whigs; he now followed in the debate, and argued in favour of the proposition that the throne was vacant. Sir Robert Howard was the first who argued the question upon the true and constitutional basis of the responsibility of the sovereign in extreme cases. The constitution of the government, said that member, is actually grounded upon pact and covenant with the people\*—an essential truth which even the Whigs, in their anxiety to secure unanimity, had hitherto refrained from insisting upon, but one, nevertheless, upon which the question must ultimately be decided. Pollexfen, so long known as the leading Whig advocate at the bar, added his opinion to those of the lawyers who had preceded him, that the crown was vacant, and Wharton, treating the affair as now

\* Parl. Hist. Hardwicke Papers.

decided, called upon the house to fill the vacancy. The adherents of the king were few throughout the nation, they were scarcely perceptible in parliament. Some few of the Tories, writes the Duke of Buckingham,\* “were inclined to the unfortunate king, some out of conscience, but more out of despair of favour from the prince.” Of these Lord Fanshaw only, one of the few courtiers who had obtained an election, stood up to defend his late master. But the house appeared unanimous; it was in vain that he denied that the departure of the king was voluntary, in vain that he dwelt upon the importance of the subject, and pleaded for an adjournment; the commons were already resolved; they passed their great resolution, that “King James II. having endeavoured to subvert the constitution of this kingdom by breaking the original contract between king and people, and by the advice of Jesuits and other wicked persons, having violated the fundamental laws, and withdrawn himself out of this kingdom, has abdicated the government, and that the throne is thereby vacant.”†

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Hampden carried up this resolution to the house of lords, and the next day the commons resolved, without a dissentient voice, that “it hath been found by experience inconsistent with the safety and welfare

\* Account of the Revolution. † Commons' Journals. Parl. Hist.

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of this Protestant kingdom to be governed by a Popish prince." An important triumph to the Whigs. One of the chief principles which their party had been formed to establish, for which they had suffered the taunts and vituperations of the Tory press, the loud abuse of a Tory clergy, the disfavour of a Tory king, and the more serious inflictions of Tory judges, was now proposed in an assembly comprising a considerable, although not an equal proportion of Tories, and not one voice was heard against its adoption.

When these resolutions were communicated to the lords their house resolved itself into a committee, of which the Earl of Danby was elected chairman. The question of the vacancy of the house being of considerable difficulty, and opposed by two parties for different reasons, was postponed until the other points had been discussed. In the debate which ensued the Earl of Nottingham, the mouthpiece of the most violent and most numerous section of the Tories, took the lead: he proposed that a regency should be established during the lifetime of the king, and he fortified his proposition with examples so skilfully chosen, and arguments so judiciously selected, that he was evidently followed by the majority of the house. Those who wished to see the legitimate king restored upon guarantees of safety to the church, adopted this measure, because it left room for hope ;

those who had no such wish, but who saw in an elected monarch the destroyer of Toryism, accepted it as an easy compromise between their principles and necessities. The Marquis of Halifax, however, checked the precipitancy of the house, and replied to Nottingham in a speech which was no less effective than his had been. Of this speech no report remains; but it is not difficult to conjecture the topics upon which the orator in all probability dwelt. He would doubtless remind the house that the fate of Sir Harry Vane, a precedent within their own recollections, warned them that they could be shielded from the penalties of treason only by the existence of a *de facto* king; he would also exhibit the inextricable difficulties by which such a scheme was encompassed, and show the danger as well as the absurdity of creating a succession of regents at home while they acknowledged the title of a dynasty of exile kings, and publicly admitted that they were only forcibly excluded from their rightful inheritance. Lord Danby joined in exposing so fruitful a source of civil war, and his party inclined the balance. Upon the question being put, the motion for a regent was negatived by a majority of two—49 being in favour, and 51 against it; all the bishops, except those of London and Bristol, voting in the minority. This minority, the real Tory party, were now reverting to their original tenets, and evincing their total dis-

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regard to every other object than the preservation of the church, and of the despotic doctrines which they ignorantly attributed to her. The majority consisted of the Whigs and a small section of the Tory party, who had read more shrewdly the signs of the times, and followed Lord Danby as their leader.

On the following day the lords resumed their debate: the question was an abstract proposition, but one of momentous practical importance, both to themselves and their posterity, "Whether there was an original contract between king and people." The doctrine of divine right was now openly declared and strongly insisted upon from the Tory benches; the Whigs replied with equal vigour and more sanguine hopes, since the Dukes of Ormond, Southampton, Grafton, and Northumberland, had left the opposition. The numbers now were 53 to 46; and the journals of that house contain this proposition, solemnly enunciated by the peers, for merely hinting which, some few years ago, so many persons had been scourged, maimed, disfigured, pilloried, and imprisoned.\* Such was the advance of Whiggism.

The committee proceeded to discuss the commons' resolution by paragraphs, and agreed without difficulty until they arrived at that by which James was declared to have abdicated the government—they substituted the milder word "deserted."

\* See pp. 319, 320.

On the next day the last question, of the vacancy of the throne, was considered; an amendment was moved that the words “that the Prince and Princess of Orange be declared king and queen,” be substituted; but this was probably thought premature by all parties, and was met by the previous question.

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The committee then divided upon the original motion, and in this division the Whigs were deserted by Lord Danby and his party. These men held that the king by his flight had renounced his crown, which therefore immediately descended to the next heir; and, according to their theory, which quietly assumed the illegitimacy of the Prince of Wales, so far from the throne being vacant, Mary, Princess of Orange, was then the legitimate Queen of England. The Whigs, who cared nothing for these subtleties, and who were unwilling to risk the success of their great work upon the issue of an inquiry into the legitimacy of this child, now found themselves in a minority. The paragraph was lost by a majority of eleven, and thirty-five peers entered their protest.\*

The lords unanimously concurred with the vote of the commons, that it was inconsistent with the safety of the nation to be governed by a popish prince. Here Whigs and Tories were at last agreed; the

\* Lords' Journals, vol. xiv., p. 112. Echard is very erroneous; he numbers the dissentients at 40, and places Lord Danby at their head.



CHAP. church of England, no less then the civil liberties of  
XVI. — the nation, absolutely required the declaration: the  
A.D. 1689. Tory lords who threw out the Exclusion bill had  
awakened from the delusion, that the property of a  
Protestant church would be safe from attack under a  
Catholic king.

The free conference which ensued between the houses was managed, on the part of the commons, entirely by Whigs. The lords had, with singular inconsistency, appointed the Earl of Devonshire and several others, who had protested against their resolution, to draw up reasons in favour of it: they now, however, committed the conduct of the free conference to Tories. The dispute between the words abdicated and deserted was a subtilty unworthy of the houses of legislature. The word “deserted” was doubtless insisted upon by the Tory peers who conducted the conference, from a persuasion that it did not imply an absolute loss or forfeiture of the crown; but as the lords collectively had evidently used it in a different sense, they were unable to allege the real grounds of their opposition; and rested chiefly upon the objection, that the term used by the commons was not found in any of the old records of the common law. The commons jealously defended their expression, only because they thought it of importance with respect to the real point of contention, the vacancy of the throne. When they came to

debate this the consistency of the Whig course of conduct, and the inconsistency of that adopted by the Tories became manifest. The lords had declared the existence of an original contract between the sovereign and the people—they had declared that James had broken the contract, and had deserted the government—they had declared also, in effect, that they would elect a king, and yet they refused to admit that the throne was vacant. Pollexfen, in the debate, remarked strongly upon this inconsistency, and Lord Clarendon made but a weak defence to the accusation. Maynard and Pembroke appeared incidentally in the contest; but Nottingham delivered upon this, as he had upon the former point, an harangue which comprehended all the grounds upon which his party relied. The post of honour was again yielded to Somers, whose legal learning enabled him to meet the antiquarian research of the earl, and to oppose precedent to precedent, as well as eloquence to eloquence. The brothers Rochester and Clarendon then spoke at length. Howard answered them; and the addresses of Temple, Lee, and Treby closed the debate. The names which have been enumerated clearly show the nature of the contest, as far as regards the two parties. There was not one among the lords' committee who was not well known as a Tory, nor one

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CHAP. among that of the commons who was not eminent  
XVI. as a Whig.

A.D. 1689. Upon the return of the deputation the peers agreed to the commons' amendments ; but that this agreement was not occasioned by the report of those who had conducted the conference is evident, since we find nearly all their names attached to the protest against the vote.

These important preliminaries having been established, the vote which established William and Mary upon the throne appears to have passed unopposed, since although leave was given to protest no protest is recorded.\*

The superiority of the Whigs in the lords throughout this affair, was rather in argument and principle than in numbers. That superiority requires no comment. It cannot be better testified than by the expression of Lord Nottingham, who declared, that while he felt himself bound in conscience to oppose the settlement by every means in his power, he hoped, for the sake of his country, that his efforts would not prevail.

Perhaps it is not too much to affirm, that the

\* After their victory Danby and the protests. They were, probably, afraid of the ultimate intentions of those to whom they had given a momentary ascendancy.

church of England was saved by Tories.\* The civil liberties of Englishmen, and the present dynasty of British kings, were certainly established and preserved by Whigs.

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\* It must not, however, be forgotten, that it was their opposition to the exclusion which first brought it into peril ; nor, on the other hand, that it was the efforts of the Tories on behalf of the church, which placed the Whigs in a situation to contend for the constitution.

## CHAPTER XVII.

Formation of the Shrewsbury administration—Intrigues of the Tories—Liberal policy of the Whigs, towards the Catholics, in favour of the dissenters—War with France—Corporation bill—William changes his policy and the Tories obtain a majority in the commons—An election—The Carmarthen administration.

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THE new king's first act after he had been elected to the throne, was necessarily the choice of a privy council and a ministry. This was a step of no ordinary difficulty ; William himself entertained the sentiments of a Whig, but he was not prepared to imitate the conduct of Charles II., to protect only one half of his subjects, and make the occupant of the throne the head of a party. Great as the excesses of the Tories had been during the reigns of his two immediate predecessors, he had no intention of excluding them entirely from all share in the government, or of giving so important a class of his people

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real cause for hostility. When, therefore, that active and meritorious young nobleman, the Earl of Shrewsbury, was named one of the secretaries of state, the Earl of Nottingham was chosen to be the other: a choice which, considering the prominent part he had taken in opposing the election of the present king, was certainly rather magnanimous than prudent. The Earl of Danby, who had more claim to William's gratitude, but scarcely less hostility to the politics of his friends, was made president of the council, with the title of Marquis of Carmarthen. Halifax resumed his old post of privy seal. The treasury was put in commission:—Lord Mordaunt, created Earl of Monmouth, was the first commissioner, Lord Delamere, created Earl of Warrington, Lord Godolphin, Richard Hampden, and Sir Henry Capel were the others. The Earl of Warrington was also chancellor of the exchequer.

The great offices of government were thus nearly equally divided between the two parties, but the king, nevertheless, gave his chief confidence to those ministers who were of the party which had placed him upon the throne. In the council, Shrewsbury exercised and deserved the greatest interest; Halifax, who, now that his ambition after titles and place did not interfere, was again a Whig, was more attentively heard than Carmarthen; and if Godolphin was listened to with preference upon affairs of the trea-

CHAP. sury, it was not on account of his temporary lapse  
 XVII. into Toryism, after voting for the Exclusion bill,  
 A.D. 1689. but rather from his superiority in knowledge and  
 experience over those with whom he was joined.

William's impartiality in distributing the patronage of government was not extended to the offices of his household; he wished to assure the Tories of protection, not of preference;—this part of his patronage he reserved for his friends. The Earl of Devonshire was made lord steward, and the Earl of Dorset, lord chamberlain. Mr. Bentinck was groom of the stole, and privy purse; and Sidney, who soon after received a peerage, was one of the gentlemen of the bedchamber. Marshal Schomburg was provided for by the place of master of the ordnance, the title of Duke of Schomburg, and an estate of £5000 a year,\* and Herbert, who, dismissed by James for refusing to vote for the repeal of the test, had gone over to Holland, and became lieutenant-general admiral of William's fleet, was now made first commissioner of the admiralty,† and was afterwards created Earl of Torrington.

\* Parl. Hist., vol. v., p. 383.

† The names of the six other commissioners, were the Earl of Carberry, Sir Michael Wharton, Sir Thomas Lee, Sir John Chichely, Sir John Lowther, of Whitehaven, and Mr. William

Sacheverell. Thus it is seen that the distribution of the inferior patronage is decidedly in favour of the Whigs. Sacheverell, who had distinguished himself among that party, wished to decline the appointment, because he was little

In the privy council the Whigs had the majority ; in addition to those who held offices of government, it contained the names of the Earls of Bedford and Bath, Lords Lumley, Wharton, Montague, among the Whig peers ; and those of Bentinck, Sidney, Howard, Powle, Russell, and Boscawen, among the commoners. Among the Tories whom it contained Lord Churchill's merit was not forgotten, and the Prince of Denmark and the Archbishop of Canterbury were included on account of their rank.

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The bench of judges, which was chosen by the privy council, gave universal satisfaction. Sir John Holt was chief justice of the king's bench ; Sir Henry Pollexfen was chief justice of the common pleas ; Sir Robert Atkyns, chief baron ; Powle, master of the rolls, and the chancery was put into commission, under Maynard, Kech, and Rawlinson ; Sir George Treby was attorney-general, and Somers was rewarded with the office of solicitor-general.

Among these rewards the clergy, who had been active in the revolution and subsequent settlement, were not forgotten ; but these instances were so rare that when Compton had been placed upon the privy

acquainted with maritime matters, and that he could depend on his integrity, he accepted the appointment, but refused to receive the salary.—*Oldmixon*.  
and when the king replied that there were enough who did understand the business, which a man of sense would soon be master of,



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council, and Burnet had been made Bishop of Salisbury, William's debt of gratitude to them was, with a few exceptions, discharged.

The public offices of government being thus distributed, and the sentiments of the king being known to be those of the majority of his privy council, the ascendancy of the Whigs was quickly marked by the measures which were proposed. Notwithstanding the opposition of the Tories, who hoped in a new election to increase their numbers, the convention was voted a legal parliament. The bill for annulling Lord Russell's attainder was carried unanimously through the houses, and the disgust of the commons broke forth so apparently that Finch was unable to obtain a hearing when he attempted to defend his conduct upon occasion of this "murder."

The presence of the Tories in the cabinet was, however, not without its effects. Nottingham's office of secretary of state justified the employment of spies at home as well as abroad, and information thus gained was readily available to the purposes of his party. Nottingham threw a veil over the fermentation which was taking place among the Tories; he communicated little of the schemes for recalling James, but he was eager to collect the unguarded expressions of violent and nameless persons among the Whigs, and he assiduously repeated them to his master as positive proofs that that party was in

reality and in principle republican, and therefore the common enemy of kings. Their conduct upon the settlement of the revenue gave Nottingham some assistance in his work of supplanting his colleagues, and excited in William some disgust. William, seated upon a throne which appeared to be placed amid a chaos of conflicting elements, uncertain upon what support he rested, and only conscious of the integrity of his own intentions, was naturally jealous of opposition from those to whom he chiefly looked for support. He had given greater proof that he was worthy the confidence of the nation than had been afforded by any of his recent predecessors; he expected to receive at least an equal confidence. The Whigs, however, recalled the miseries of the former reigns, and they deduced them all from the fatal power with which they had armed their kings, by giving them a revenue for life. They now proposed to continue it from year to year. William was indignant, the Tories joined him, but the Whigs prevailed, and for two years the revenue was only granted annually. They went further, and performed a far more signal service to their country, by separating the civil list, or the revenue set apart for the support of the monarch, from the grants which were made for the service of the public; the former was, of course, intrusted to the direction of the sovereign, the latter were strictly appropriated

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A. D. 1689.

to the purposes for which they were granted. An important decision, which may rank among the first class of salutary reforms, produced by the revolution. This also was resented by the king, and resisted by the Tories. We owe it entirely to the Whigs.

These manifestations of an adherence to the principle of a strictly limited monarchy favoured the insinuations of Nottingham and his party, which had doubtless, at this time, made some impression upon the king. The accusation was indignantly denied by the leaders of the Whigs. Sir Henry Capel laughed at the idea, and Treby declared, with unnecessary warmth, that "rather than have a hand in any thing of a republic he would lose his hand;" adding, that "Where there is a great territory, and a warlike people, as the English are, monarchy is a government fit for that part of the world. The experiment of a commonwealth will be impracticable."\* But notwithstanding these disavowals William still entertained some lurking distrust of his allies, and a decided feeling of offence at what he considered their unreasonable jealousy. These considerations did not however prevent his pursuing the course of conduct which his policy and principles enjoined. It was the province of an elected monarch to reform the corrupt, while he preserved the sound

\* Parliamentary History, vol. v., p. 248.

institutions of the country he had been called to govern, and William was not unmindful of his duty. It would be superfluous to dwell upon the details of the Bill of Rights: no reader is ignorant of them. None can deny that (following the language of the speaker of the house of commons when he presented it for the royal assent) it does remain, not only a security to us from those notorious violations of right and liberty which took place in the reign of James, but also a lasting monument to all posterity of what we owe to William for our ancestors' deliverance.

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The ascendancy of the Whigs is also seen, at this early period of William's reign, in the moderation which was observed towards the Catholics, and the equality which was sought to be extended to the dissenters. When we consider the danger from which the nation had just escaped, and that that danger had accrued entirely from the Catholic religion, when we remember the multitudes throughout the nation who had been expelled from their employments upon a refusal to embrace that faith, and the numbers of surviving relatives of those whom James had slaughtered, who attributed their bereavement to the professors of that religion, we are inclined to wonder that now that the pent-up wrath had burst, it did not spread in blood and massacre over the land, and roll a terrible retribution

CHAP. over those in whose favour these acts of tyranny had  
XVII. been perpetrated. So far, however, from this being  
A.D. 1689. the case, even the penal laws, then in being against  
them, were not enforced, and no constraints were  
laid upon them, but such as were absolutely necessary  
for the tranquillity of the nation. When one  
portion of the kingdom was in the hands of an  
invader, to whom they openly owned allegiance, and  
whose triumphant return they were preparing to  
celebrate; to confide to them the defence of the  
kingdom, or admit them to offices of trust, would  
have been not liberality but madness: that go-  
vernment cannot be censured as severe which,  
knowing their universal hostility, left them, never-  
theless, unscathed in their property and persons,  
and even in possession of arms.

It was the desire of the king, and his Whig  
ministers, to remove from the Protestant dissenters  
all incapacities for office, but the clause in the bill  
for altering the oaths of allegiance which was  
framed for that purpose, was rejected by a great  
majority by the Tories in the house of lords, and  
a second attempt met with a similar fate. Each of  
these refusals to do justice to the dissenters, was  
followed by a strong protest from the Whig peers;  
and the latter of these is very remarkable, as show-  
ing the steadiness with which that party opposed

persecution for mere matters of faith. They protested against the decision of their house, "Because," said the dissentients, "it gives great part of the Protestant freemen of England reason to complain of inequality and hard usage when they are excluded from public employments by a law, and that for a mere scruple of conscience:" and again, they declared that to set marks of distinction and humiliation on any sect of men who have not rendered themselves justly suspected to the government, is at all times to be avoided by the makers of just and equitable laws.\*

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The Tories when imploring the dissenters to aid them in their defence of the Protestant church, had been profuse in their professions of repentance for their former persecution; they had now, they then said, seen their error, and if the present danger should be repelled they would never again turn their power against their Protestant brethren.† The dissenters had readily answered their call, it was now easy to foretel how their confidence would be repaid.‡

\* Lords' Journals. Parl. Hist.

† Burnet. See also the pamphlets of the time, *passim*.

‡ The Tories, nevertheless, to establish some claim to moderation, repealed many of those penal laws which had in the late reigns been dragged from their

obscurity and enforced against the dissenters. They also introduced a bill of comprehension, but by the time this had passed the lords they found themselves too powerful to require the assistance of conciliatory measures, they therefore stifled it in the commons.

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The occasion of this attempt was the introduction into the house of lords of a bill for prescribing, when the new oath should be peremptorily taken, to William and Mary. This act was in itself, viewed apart from the struggle which incidentally arose upon it, one of no small importance to the parties. The new oath of allegiance was, of course, a necessary preliminary to the acceptance or continuance of any official duties either in church or state. William was well aware that there were many of the clergy who were glad that the late king had been expelled, and would live quietly under the present government, but who would recoil from a solemn renunciation of their Tory doctrines; he had offered, therefore, that deprivation should not take place until the oath had been tendered and refused. This clause was offered as an equivalent for that which removed the disabilities of dissenters, but when the lords rejected the one the commons decided against admitting the other. When the day arrived upon which the oath was required to be taken by the clergy, a large party of that body, headed by five of the seven bishops\* whose prosecution under James had rendered them so popular, refused it. These bishops probably thought that their

\* Of the other two St. Asaph had been accustomed to call them yielded, and Bristol was dead. the seven golden candlesticks of After their acquittal the people the church. Frampton, Bishop of

past conduct would support them in their present opposition. In the eyes of the people, however, they appeared very differently, and it was urged that their past when compared with their present deeds, manifested only a devotion to the church to which they belonged, but an uncompromising hostility to all free institutions in which the laity might participate. After long indulgence these bishops were at last deprived.

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A. D. 1689.

Many of the clergy, who did take the oath, explained it away with the most jesuitical casuistry, and the great majority declared, that they took it to William only as king *de facto*, just as the members of their party had before taken it in the commons.

This was the origin of the party of Nonjurors, the most open and sincere, but not therefore the most dangerous of William's enemies. The majority of the Juring clergy were inferior to them in honesty, not in hostility to William.

The clergy of the church of England, therefore, were generally favourable to the return of the Stuart dynasty, not, probably, because they hated limitations upon monarchy more than they loved

Gloucester, joined these five non-jurors. Lake of Chichester soon after died, leaving behind him a paper containing his dying con-

fession of the doctrine of non-resistance and passive obedience. See it in Ralph, vol. ii., p. 166.



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their church, but rather that they sacrificed their inclination and safety to the maintenance of a bad and impracticable principle.

These were the effects of the bill which gave rise to the Tory demonstration in the house of lords against admitting dissenters to equal political rights.

Such being the general temper of the house, in which the Tory party predominated, it is not surprising that the commons proceeded but unwillingly in the bill of indemnity which was laid before them. While many of the Tory leaders were open to prosecutions and impeachments for the crimes they had committed or connived at during the first part of the preceding reign, the tone of the party would be moderated, and their opposition would be tempered by their apprehension ; but if this check were withdrawn, it was feared that those, who were already daily gaining courage, would resume their former position. It was not doubted that they would exercise their power to the destruction of those measures which were in progress to repair the dilapidated constitution, if not for the recal of that dynasty which had rendered those measures necessary.

Another act of the convention parliament must not be passed over in silence. No sooner had England recovered her liberties, than she appeared in a new character among the nations of Europe.

So long the vassal and dependant of France, she now entered the arena as her mighty and her deadly enemy. William's whole life had been an almost hopeless struggle against the ambition and the power of Louis; perhaps the happiest hour he had yet known was that in which his commons addressed him to make war upon that monarch, enabled him to realize his favourite object of ambition, and placed at his disposal the resources of a kingdom alone well able to sustain the conflict.

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The events of this war and of that which was going on in Ireland must be read in the general histories of England, but the disappointment of the nation at the successes which James at first obtained, furnished the extreme party of the Whigs with an excuse by which they attempted to drive the Tories from the cabinet. This onset was led by the younger Hampden, who, repeating the usual charge that the Tories were still in the interest of the late king, imputed the recent reverses to secret information furnished by Nottingham and those of his party who still remained in the government; he moved an address to the king, representing the imminent danger of the kingdom from the want of ability or integrity in those who had the direction of affairs. Upon this occasion Hampden carried the house with him; but upon presenting the report upon the address a few days after, the face of affairs seemed entirely changed.

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Those Whigs who held offices of government resented the address, as reflecting no less upon themselves than their Tory colleagues. The elder Hampden led the opposition against his son's motion; and after a stormy debate, in which the novel spectacle was displayed of the old leaders of the Whigs speaking and voting with the Tories, the address was decently stifled by a recommitment.

The king's disgust at the conduct of the Whigs in keeping him so entirely dependent upon them was evidently very great, and they feared lest it should lead him to dissolve this parliament. The corporations were as James had left them, entirely in the hands of Tories; the exuberant joy of the people had overcome this obstacle in the former election, and perhaps the holders of those corporate offices were too much alarmed for themselves to attempt to influence others: now, however, they had regained their courage, and it was known that if the present corporators retained their places, the next would be in all probability a Tory house of commons. To prevent this, when a bill was introduced into the house condemning all that had been done in the case of the corporations in the reign of Charles, and restoring them to the state in which they stood in the year 1675, Sacheverell and Howard, representing the Whigs, proposed the insertion of two clauses, the first declaring all who had consented to the sur-

render of a charter incapable of being members of that corporation for seven years, and the second imposing a penalty of £500 and perpetual disability upon breach of this provision. These clauses were proceeding quietly through the house, to the annihilation of the Tories, when the king threw his influence into the opposite scale; a violent opposition ensued, and the Whigs, to their astonishment and mortification, found themselves in a minority of 18.\*

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William had thus taken a decisive step; withdrawn himself from the Whigs, who had placed him upon the throne and intended to keep him there, and thrown himself into the hands of the Tories, the great majority of whom had opposed his accession, and were now wishing if not working his deposition. Shrewsbury had long seen with regret this alienation of the king from his friends, and he earnestly wished to withdraw from his post. He besought the king, in the most urgent terms, to accept his resignation: this, however, William pertinaciously refused, but continued nevertheless in the path into which he had deviated. His minister now saw that he was resolved to prorogue and dissolve his parliament—a measure which he strongly deprecated. When ordered to

\* Ralph; Parl. Hist.; Burnet; the Disabling Clauses." Burnet and the pamphlets of the time, is very erroneous. particularly "A Letter concerning

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A.D. 1689. prepare the speech, he addressed the king a letter containing the following remonstrance: "I think myself obliged in duty to lay before you my sense of the matter; and though I am very incapable to put any thing in writing fit for your majesty to speak to your parliament, yet that is not the only reason makes me now decline it, but a thorough conviction that an adjournment for so long a time can be of no advantage, but will certainly prejudice your business. For the nation will reasonably conclude either that you part with your parliament in anger, which is a bad preparation against the meeting it again so soon, or else that you have not that pressing occasion for money which you and your friends have often represented to them, since you defer the consideration of it for three weeks, without any apparent good reason. Besides, it will more and more exasperate the house of commons against those persons who have had the ill-fortune to be named in this last address, since they will be pointed out as the authors of this advice.

"By what I find from my Lord Nottingham, the argument used for this delay is to expect the church of England men to return who are gone into the country, and he says, so depend upon this recess, that they will think themselves unfairly dealt with if they are foiled in this expectation. What encouragement they had to rely upon it I do not know; but

supposing they had good grounds, I will say the same thing to your majesty I did to him, that your resolution in this must be suitable to what you determine, either to join or not join with the church of England.

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“ I think your majesty does not suspect me to be so violently biassed to either of these parties as not to see the faults of both, and the dangers that may likely ensue in joining with each of them. I wish you could have established your party upon the moderate and honest-principled men of both factions ; but as there be a necessity of declaring, I shall make no difficulty to own my sense that your majesty and the government are much more safe depending upon the Whigs, whose designs, if any, are improbable and remoter than with the Tories, who, many of them, questionless, would bring in King James, and the very best of them I doubt have a regency still in their heads ; for although I agree them to be the properest instruments to carry the prerogative high, yet I fear they have so unreasonable a veneration for monarchy, as not altogether to approve the foundation yours is built upon.” \*

This letter was written on the 22d of December, 1689, when the disabling clauses of the Corporation bill were passing the commons: the adjournment was

CHAP. not proceeded in, because the Whigs gave way, and  
 XVII. postponed the consideration of the measure until the  
 A. D. 1689. attendance should be fuller. But for this interference  
 of the king these clauses would certainly have passed  
 the commons, and with his concurrence probably the  
 lords.

The letter of Shrewsbury had little effect ; on the  
 27th of January the parliament was prorogued to the  
 2d of April, and its meeting was prevented by a  
 dissolution.

This sudden dissolution\* scattered throughout the  
 kingdom those brands of political contention which  
 had before been confined within the walls of St.  
 Stephen's. The press teemed with pamphlets both  
 laudatory and condemnatory of the recent measure.  
 The names of Hampden and Wildman appear as  
 defenders of the convention parliament ; a crowd of  
 anonymous writers followed in their track, and an  
 equal number advanced from the hostile ranks.  
 The Whigs published the names of the 150 Tory  
 members who had voted against the use of the word  
 abdication, when the vote was returned from the  
 lords ; and the Tories published the names of those  
 who had voted for the disabling clauses in the Cor-  
 poration bill. The Whigs called those who were  
 included in the former list Jacobites ; the Tories

\* Mr. Wharton addressed a this change of policy and councils.  
 powerful letter to the king upon —*Dalrymple's Appendix*, p. 80.

stigmatized those who appeared in the latter as republicans, fanatics, latitudinarians, or atheists; increasing, according to the custom of angry persons, the violence of their epithets in proportion to the remoteness of their applicability.

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The elections for the new parliament were so decidedly in favour of the Tories, that even the city of London, under the influence of their illegally nominated corporation, rejected their old Whig members, and returned the nominees of Nottingham and Carmarthen. William's great design was to unite the two factions, and form a stable ministry from the moderate men of each ;\* a design excellent in theory, but difficult, perhaps impossible, in practice. Prior, therefore, to the meeting of parliament, which was fixed for the 20th of March, the ministry was remodelled. Halifax, distrusted and disliked by both parties, was dismissed, and the privy seal put in commission ; Godolphin shared his disgrace, but his fall was probably attributable to his adherence to the extreme high Tory party, who rallied round the Princess Anne, as the champion of the church, sided with her in the contest with William upon the subject of her revenue, and affected to view in their presbyterian king an enemy to the establishment. Three of Godolphin's Whig co-commissioners of the

\* Rapin's Dissertation on the Whigs and Tories.



CHAP. treasury, Monmouth, Warrender, and Capel, were  
XVII. also discharged; but the fourth, Hampden, who was  
A.D. 1689. more moderate in his views, and who was now looked  
upon as one of that division of his party which had  
lately been designated State Whigs, was retained,  
and advanced to the additional offices of treasurer  
and under-secretary of the exchequer. The vacant  
places in the treasury-board were filled with Sir John  
Lowther, a member of Carmarthen's party, who was  
chief commissioner, Sir Stephen Fox, and Mr.  
Thomas Pelham; so that that department of the  
government now consisted of two moderate Tories  
and two state Whigs.

Lord Torrington was removed from the head of  
the admiralty, and the Earl of Pembroke, who had  
recently returned from an embassy to the States,  
was his successor. Upon this change the Whig  
members, Wharton and Sacheverell, immediately  
tendered their resignations. The inferior appointments  
were of a similar character. Such was the  
Carmarthen administration.

With this ministry William hoped to obtain what the  
younger Hampden, and his party among the Whigs,  
had refused, but the Tories had promised;—a settle-  
ment of the revenue for life. The influence of these  
men was not, however, so great as to render all  
other measures unnecessary. The revolution had  
destroyed for ever the power of curbing a wayward

house of commons, by the force of the prerogative ; it had not, however, taken away that gentler but more certain source of influence, corruption. This dangerous expedient, had been occasionally tried by the Stuarts, but was found too expensive for their unaided revenues, and too delicate for their rigid hands ; it was now the only remaining equivalent for popularity, and a party which affected disdain for the voice of the people, would naturally apply themselves to the dexterous management of their only availing resource.

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A. D. 1690.

The speakership of the commons was, therefore, intrusted to a man who was deemed skilful in this respect. Sir John Trevor, who supplanted Powle, was one of those Tories who had deserved the gratitude of James : he had held under him, the office of master of the rolls, and he now undertook, if sufficient funds were placed at his disposal, to procure a majority for the new ministry, by buying over the members of the opposite party. Under this condition Trevor received his patent as first commissioner of the great seal. William is represented\* to have yielded reluctantly to this method of government, upon the representation of Nottingham and his colleagues, that the age was too corrupt to allow him to dispense with this assistance. When such induce-

\* Ralph.

CHAP. XVII. A. D. 1690. ments were offered to profligate men to engage in opposition, we shall not be surprised if we sometimes find, in the ranks of the Whigs, political adventurers who, contemning all principle, endeavoured to render their hostility conspicuous, only that they might enhance the price of their desertion.

By the assistance of a Tory house of commons, and a Tory ministry, for such it was in reality, since the Whigs, in office, neither enjoyed the confidence of the king, nor retained the support of their party, the hereditary excise was settled for life, and a bill of indemnity was passed; the first the service, the latter the reward of the compliant party. These were two of the topics of the speech from the throne.

The party complexion of the house was also manifested, by returning the king thanks for having placed the lieutenancy of London in Tory hands, a measure which, had James ever arrived in London, might have proved fatal to him who effected it.

The Whigs attempted to remove the film from the eyes of their king, and expose their rivals in their real character, by bringing in a bill requiring all subjects, in office, to abjure King James. A protracted struggle ensued in the commons—the ministry were divided—each faction exerted its utmost strength—and the support of the king raised the Whigs to an equality with their opponents.

Every step was contested: the bill was often lost and won, until the king, at last, wearied with the delay which kept him from Ireland, and with the importunities of his Tory ministers, sent a message to the commons, desiring them to suspend the discussion, and pass to matters more immediately important. This conduct completed the disgust of the Whigs. Shrewsbury now insisted upon surrendering the seals, and refused even to remain nominally secretary until the king's return from Ireland. In the lords Shrewsbury promoted, and Nottingham and Danby led the opposition, to the bill. It was, at length, rejected by the commons, upon a division of 192 to 165.\*

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After this defeat so feeble were the Whigs, that the act of grace sent down by the king to the lords, passed that house without a division, and the house of commons without a show of opposition. The Tories, freed from all terror of punishment for their past misdeeds, were unshackled in their supremacy, and ready to commence a fresh account.

The king now set out for Ireland, and by the battle of the Boyne crushed the hopes of his false friends, and consolidated his own power and his people's liberties.

In the next session the preponderance of the

\* Burnet. Ralph, vol. ii., p. 198.

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Tories was no less remarkable. The chief business, however, was the grant of sufficient supplies, to enable the king to prosecute with vigour the war with France, and in this the Whigs cordially concurred. In the arrangement of the details Godolphin's financial experience became necessary, and he was placed at the head of the treasury. Lord Sidney, who had rendered such essential services to William, in preparing the revolution, received the seals which Shrewsbury had resigned.

An abortive attempt to revive the impeachment against the lord president Carmarthen, was the only motion of importance made by the Whigs. On the 5th of January the king put an end to the session, and set out for the Hague, which place he soon afterwards left, to take upon him the command of the army in Flanders.

In the course of the year the Tories received increasing marks of the royal favour; Rochester, Ranelagh, Cornwallis, and Sir E. Seymour were admitted to the council-board, and the Earl of Pembroke received the privy seal.

The perseverance thus shown by the king, in patronizing, and placing in situations of trust and power, men who were only known as enemies to those liberties of which he had approved himself the champion, and been elected the guardian, lost him much of his popularity. The Whigs reviled him

as ungrateful—commented upon his tenderness for the prerogative—and pretended to doubt the sincerity of his liberal professions. The people sympathized with those whom they thought ill-used, they superadded an openly-expressed hatred for the foreign favourites of the king, and a disgust at his phlegmatic temperament and Dutch partialities.

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to 1693.

The Tories, nevertheless, maintained their posts in the government, and their place in the king's confidence; secure of a majority in the commons they cared little for the murmurs of the nation, and as the house grew more confiding in its grants, the ministry appeared to grow more confident in their demands. The real friends of the reigning monarch looked upon him as infatuated, and prophesied the restoration of James as an event neither dubious nor distant. There were, at this time, strong reasons for such a judgment: but William was neither so ignorant nor so unprovided as he was supposed to be. In a speech to the commons, in 1690, he had distinctly declared his knowledge of those dark intrigues which were ramifying throughout the nation in favour of the Stuarts. If he was acquainted with them all, his situation, he must have known, was one of no ordinary embarrassment and of imminent danger.

## CHAPTER XVIII.

State of the Jacobite interest—Correspondence of the Tory ministry with James—Compounders and noncompounders—Views of those who corresponded with James—Intrigues in the cabinet—Fall of the Tory ministry—Shrewsbury and the Whigs recover their interest in the cabinet—Montague—Triennial bill passed—Dissolution of parliament—Administration of the Whigs—Supplanted by the Tories—Shrewsbury and Montague displaced—New arrangements—Impeachment of the Whig ministers—Act of succession—Intrigues of the Tories—Robert Harley—The Tories lose their popularity—Are distrusted by the king—Return of the Whigs to power—Death of William.

CHAP. XVIII. THE publication of state documents and private  
 A.D. 1691 to 1693. -correspondence of that period enables us now to  
 judge, with some correctness, of the dangers with  
 which William was beset. Among the favourers of  
 the late revolution were not only the Whigs, who had  
 carried the settlement, and the Tories who drew back  
 from that measure, but also many courtiers, who

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were actuated by a vehement resentment for the loss of the royal favour, and its entire monopoly by the Catholics; and many others who never forsook the party in power. All these classes, when the mighty change was accomplished, looked back with astonishment and dread. That a legitimate and powerful monarch should descend from his throne without a blow, and fly before the first outcry of popular indignation, was an event too sudden to appear lasting; and the preparations of Louis, and the temporary success which attended James in Ireland, rendered a restoration an event which was contemplated as highly probable by all. The parties were agreed in admitting the probability, but acted very differently under their belief. The Whigs strenuously exerted themselves for the maintenance of the war; the Tories and courtiers affecting an equal zeal in public, privately made overtures of their services to James. Buckley, the Jacobite agent in London, received the repentance of many of these. Godolphin offered to quit his office, that he might engage, with a clearer conscience, in the counsels for the restoration; but he was enjoined to remain, as he would be more useful to the cause of the rightful monarch, while conversant with the secret designs of the usurper. At the command of James the whisperings of conscience were hushed, and Godolphin remained in the council-chamber, prepared to



CHAP. betray the confidence he had sworn to deserve.  
XVIII. Marlborough, who was now become Godolphin's  
A.D. 1691 inseparable friend and political ally, was yet more  
to 1693. eager to reconcile himself. Colonel Sackville called  
upon him, by his desire, and was surprised to find  
him "the greatest penitent imaginable." Through  
this agent, the repentant earl conveyed the strongest  
assurances of contrition, and the most abject prayers  
for mercy. His crimes, he said, appeared so horrid  
to him, that he was ready to redeem his apostacy  
with the hazard of his utter ruin: the thoughts of  
them kept him in continual anguish, and he could  
neither eat nor sleep from the torment caused by  
his reflections. The Jacobites received the over-  
tures of this important but uncertain ally, with  
considerable caution: they trusted him little, and  
proved him much. Marlborough communicated,  
without hesitation, whatever he knew: he gave ac-  
counts of all the forces, preparations, and designs, both  
in England, Scotland, and Ireland, and he informed  
them of William's design to conduct the war in the last  
kingdom in person. Marlborough's information upon  
these points being confirmed by the accounts received  
by less suspected channels, seemed to vouch his pre-  
sent sincerity, and his credit was increased by the  
daily intelligence which he procured of incidents  
in the secretary's office, in relation to the Jacobites,  
by which they avoided many inconveniences, and

perhaps escaped some dangers. He confirmed by letter what he had communicated by verbal message, and assured James, that upon the least command he would abandon wife, children, and country to regain and deserve his esteem. But with all these professions he declined to bring over the troops he commanded in Flanders, and gave the somewhat suspicious advice, that the invasion should be made with a small force.

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The restless and impatient Halifax was not behind these. Having been among the last who came over to the Prince of Orange, he had found himself under the necessity of compensating for his tardiness by ardent zeal and unabashed treachery, he was determined not to repeat his error; he received Buckley with open arms, and promised to do every thing in his power to overthrow the king he had been so instrumental in creating.

The fickle and eccentric Earl of Monmouth appears to have sought a share in these designs, from his natural inclination for intrigue of all descriptions; and Dartmouth, who had preserved a rare consistency, proposed to go over to James, if he could be promised the command of a squadron of French men-of-war.\*

The king of course answered all these promises of

\* Macpherson, vol. i., p. 238.

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to 1693.

adherence with kindness. He wrote in terms of particular good humour to Marlborough, and made the queen add a few words to his letter of acknowledgment; but it is said that he privately declared that Churchill's crimes were so black they could never be forgiven.\*

Of these Jacobites there were two classes, which obtained the designations of compounders and non-compounders; the former required James to compound for his restoration to a throne, which, by allowing that he had any title to it at all, they admitted was absolutely and inalienably his. All that man could do to deprive James of the crown had been done, and justice and patriotism sanctioned the act. If he had yet a right, it was one which could be made the subject of no human restrictions, which could be lawfully opposed under no pretence of human expediency, which was capable of no reformation from human hands;—it emanated from the Deity—the province of man was solely submission.

When, therefore, the compounders stipulated terms upon which they would restore James to the throne, they made a proposition inconsistent with their own principles—they cut away the foundation to obtain materials to enlarge the fabric.

\* Macpherson, vol. i., p. 281. an absurd story of Lord Churchill, This however seems to depend having undertaken "*to pistol or only upon the same authority as stab*" James.

The noncompounders were those who even in extremity still held fast the true doctrines of Toryism ; they held it as an essential point of their religion, to obey the hereditary owner of the crown, and they followed the principle careless of its consequences.

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The former of these classes were statesmen or men of the world, the latter divines, or laymen of the strict high church party : these were the more conscientious, those the more numerous ; the first looked upon James as the herald of halcyon days for the Tories, the last expected it as a triumph for the doctrines of the church.

The compounding party contained among its members all the Tory leaders in parliament except the Earl of Nottingham ; and it was headed by the Princess Anne and her husband, Prince George of Denmark. These two weak-minded persons were entirely under the control of the Earl and Countess of Marlborough ; and although less courted by the Tories now they were in power, than they had been when that party was in opposition, their near relation to the throne rendered them nevertheless possessors of very considerable influence. Under the guidance of Marlborough the princess wrote a penitential letter to her father, acknowledging the guilt of her past conduct, and expressing an earnest desire to deserve and receive his pardon.

James remarks in his diary at the time of the receipt of this letter, "The number of the king's

CHAP. friends increased daily ; they proposed schemes for  
 XVIII. — his restoration ; the correspondence with Churchill  
 A.D. 1691  
 to 1693. was kept up, though his pretensions were liable to  
 suspicion from his former conduct, his professions  
 had the appearance of sincerity ; there was some  
 cause to believe him, as both he and his mistress, the  
 Princess Denmark, were out of favour with the Prince  
 of Orange. Neither of them reaped any advantage  
 from their past infidelity, but the infamy of having  
 committed such great crimes. The most interested  
 may be credited, when they can reasonably hope to  
 mend their fortune and better their condition by  
 returning to their duty.”

The compounders were not all Tories : some few  
 of the Whigs, seeing the Tories in power, and know-  
 ing their designs, were anxious to accommodate  
 themselves to an event which they were hope-  
 less of averting. Among these Shrewsbury\* is  
 not entirely free from suspicion, Monmouth† was  
 doubted, and Russell was certainly guilty. Speak-  
 ing of the Princess Anne’s letter, James remarks,‡  
 “ Lloyd brought the above letter. Admiral

\* Macpherson, vol. i., p. 243—  
 245. But a passage which will be  
 afterwards cited, from the Mackin-  
 tosh Collections, and his general  
 conduct, seems sufficient to acquit  
 Shrewsbury of this charge.

† Dalr. App., part ii., p. 125.

‡ Having already mentioned the

reasons which exist for doubting  
 the authenticity of these extracts  
 given by Macpherson, I cite them  
 as being what the collector pre-  
 tends they are.—They are, doubt-  
 less, entitled to considerable  
 credit, although probably to less  
 than is claimed for them.

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Russell, who had the command of the English fleet, still pretended to be in the king's interest. He was dissatisfied with the king's declaration. There was a necessity of doing all that was possible to content a person who had the crown of England so far in his hands. Lloyd was Russell's particular friend. Russell had several conferences, before he came away, with the Princess of Denmark. He expressed his earnest desire to serve the king. He said, the people were inclined enough to his side again, if the king would take a right line to continue them so: he advised him if he wished to reign as a Catholic king over a Protestant people, he must forget the past and grant a general pardon; and that as for him, he made no stipulations for himself, saying it was the public good and no private advantages made him enter into this affair. He told him, therefore, that if he met the French fleet he would fight it were even the king himself on board, but that the method he proposed to serve the king was by going out of the way with the English fleet. This was an odd way to restore the king, by fighting him! He, however, meant nothing but advantage to himself, as the preparations of the French made a restoration probable. He was determined to raise his fortunes whichever way the balance inclined. Had the French passed by accident or prevailed by force, he would have made a

CHAP. merit of serving the king : and should the contrary  
 XVIII. happen he could easily keep his credit with the  
 A.D. 1691 present government.”  
 to 1693.

The battle of La Hogue, which annihilated the navy of France and overthrew for ever that sovereignty of the ocean which she had recently arrogated, showed that James's view of the intentions of Russell were perfectly just. This was a stunning blow to the Jacobites at home and abroad, and for some time the busy faction appeared lifeless.

Few of these negotiations with the mimic court at St. Germain's were unknown to William. Marlborough's dismissal from his offices, although attributed by his duchess to his zeal for the service of the Princess Anne, was spoken of as the result of some intercepted letter. Mr. Hallam, the most acute and accurate, as he is certainly the most elegant of living historians, thinks the discovery of this nobleman's treachery extended to the letter written by the Princess Anne to her father, and suggests that many of those ministers mentioned by Macpherson and Dalrymple as favourable to the Jacobite cause, only amused the agents of James with general expressions, while they learned and provided against particular designs.

During the session of 1692 the parliament seems to have lost much of its loyalty. The Whigs even procured the adoption of an act dissolving that par-

liament and rendering all future ones triennial. But this bill which ministers had not been able to stop in its progress through the houses, was destroyed by the prerogative of the crown.\*

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At the close of the session the king made some alteration in his policy. The conduct of Russell and Nottingham, with relation to naval affairs, had been much canvassed. The lords censured the admiral, but the commons protected their member, and retorted upon the secretary. The king discharged Russell, adopting the expression that it was not enough that his officers were faithful, they must be free from suspicion.†

The unpopularity of this government was so great that, previous to William's departure for the seat of war, it was remodelled. The appointment of Sir John Trenchard, already mentioned in connexion with the Rye-house plot, to the post of secretary of state long since vacant by the promotion of Lord Sidney to the lieutenancy of Ireland, and the nomination of Somers as lord keeper, manifested an inclination to return to the Whigs. The circumstances which occurred during the progress of the campaign of 1693 rendered this inclination much stronger; the

\* Parl. Hist., vol. v.

when they state that Nottingham

† Ralph. Life of King William. The compilers of the Parliamentary History are in error

was dismissed at the same time and for the same reason.—Vol. v., p. 771.



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government was disunited in itself, without influence in the houses of parliament, uncertain in its conduct, and distrusted throughout the nation.\* Every department of the public affairs suffered either through the inefficiency or treachery of the officer who presided over it, or the opposition which his management received from his colleagues. Each was intriguing against the others, and Rochester was pressing his interest with the queen, and plotting the introduction of his own peculiar party.

Such a ministry might have been a convenient instrument in the hands of a master who could use their mutual animosities to compel an universal obedience ; it was far too formidable for the control of the gentle and domestic Mary. William, too distant to watch the secret springs, found ample opportunities of marking its general inefficiency. Upon his return in November, he resolved to destroy the ascendancy of the Tory party. He replaced Russell at the head of the fleet, and immediately afterwards manifested his further intentions by the decisive step of taking the seals from the Earl of Nottingham. Shrewsbury was immediately summoned, and required to take upon him the vacant office. By the assistance of this popular nobleman, William hoped to recover the alienated affections of

\* See Mary's letters to William ; in Dalrymple's App., part ii.

that majority of the Whig party which was called by the courtiers the malecontent Whigs. Shrewsbury, however, suspected the sincerity of this sudden change of policy, and he was hopeless of any ministry wherein Carmarthen held the office of president, with the power and influence of premier. The conference between the king and the earl ended in a warm altercation; Shrewsbury retired in disgust, and the king was reduced to the necessity of repeating his offers through the medium of his own mistress, Mrs. Villiers, and of soliciting the good offices of Mrs. Lundec, the mistress of the earl.\*

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Shrewsbury steadily refused the solicitations of both these ladies. The urgency of their letters, the freedom with which they state that they write by the authority and under the instructions of the king, and the forcible manner in which they depict his anxiety for their success, sufficiently show that William was now fully aware of the error he had committed.

The applications to Shrewsbury were continued during the whole of the session of 1693-4. At the prorogation, when William was again about to leave England, he found himself compelled to submit to the terms of the Whigs, and to abandon his favourite policy. Russell was placed at the head of the

\* Shrewsbury Correspondence.

CHAP. admiralty ; Montague was made chancellor and  
XVIII. under-treasurer of the exchequer. The Tories who  
A.D. 1694. were left were of the more moderate character, and Carmarthen and Godolphin, no longer the chiefs of the cabinet, undertook for their good behaviour, and pledged themselves to the earnest prosecution of the war. Shrewsbury then accepted the seals, the Carmarthen administration was no more, and the new secretary, being in reality the prime-minister, gave his name to a government of Whigs.

Charles Montague, the chancellor of the exchequer in the new ministry, was a man whose after-eminence deserves that we should mark his first accession to a prominent political station. Montague was of a younger branch of the family of the Earl of Manchester ; eager in the pursuit of distinction, and fortunate in the selection of his associates, his college career was marked by the friendship of Newton, and his first appearance in the world by the patronage of the Earl of Dorset, and the intimacy of Prior. Montague's first attempt was to distinguish himself as a poet ; the " City Mouse and Country Mouse," a parody on Dryden's " Hind and Panther," was the joint production of Prior and his pupil. This production, added to his " Epistle on his Majesty's Victory in Ireland," appears to have recommended him to the king ; for, when the Earl of Dorset, in allusion to his poem, introduced him as the

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Mouse, William is said to have thanked the patron for the opportunity of making a man of him. The grant of a pension of £500 a year, certainly attests the intention, even if we doubt, with Dr. Johnson, the occurrence of the promise. Montague now obtained a seat in the house of commons, and soon discovered a talent in debate which was sought in vain in his poetry. His first effort was made upon the bill for regulating trials in cases of high treason. When Montague rose to advocate that clause in the bill which allowed the assistance of counsel to persons accused of this crime, he was overpowered with the novelty of his situation, his utterance failed him, and he resumed his seat in great embarrassment; the feeling which this failure had excited in the house was, however, entirely changed when he immediately afterwards rose, and, availing himself with exquisite skill of his own confusion, drew from it an argument for allowing counsel to men who stood accused before their judges, since he himself, innocent and unaccused, stood silent and confounded, even in an assembly of which he was himself a member.\*

Montague's eloquence and talent immediately commanded the consideration of the commons, he

\* In the parliamentary history, buted to the third Earl of Shaftesbury. this anecdote is erroneously attributed to the third Earl of Shaftesbury.

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was a prominent member of the committees which conducted the conferences with the lords upon the Trials for Treason bill, and the posts of privy counsellor and commissioner of the treasury had prepared him for the important office which he held in the new Whig ministry.\*

The conduct of public affairs during the session of 1694, evinces that Carmarthen and Nottingham were no longer the prompters of the royal acts. The Triennial bill, which William had before negatived, again passed both houses, with no other opposition than a protest by Devonshire and others, because it allowed the continuance of the present parliament. This time it received the royal assent, for those who promoted it in the houses of legislature advocated it in the cabinet. The death of the queen immediately succeeding destroyed every shadow of hereditary right, and threw the king yet more upon the support of the Whigs. The new ministers applied themselves with vigour to the reformation of abuses, and soon opened to the commons a scene of corruption that surpassed the boldest conjecture. The investigation implicated not only members, but even the speaker of their house, who was expelled upon the most conclusive proof of flagrant corruption. Car-

\* Life of Halifax. Biogr. Brit., art. "Montague." Johnson's Lives of the Poets.

marthen, now Duke of Leeds,\* was so notoriously guilty that the commons voted his impeachment, and it was found that that exclusive body of Tories and Jacobites, the East India Company, had defied all competition in the boldness of their corruption by offering a bribe of 50,000*l.* to the king.

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In 1695 William's second parliament was dissolved. The sentiments of the new one may be gathered from the association which was proposed and signed upon the discovery of the assassination plot in the next year. This document, acknowledging William to be the *rightful* and lawful king of these realms, and pledging the association to revenge him if he died by a violent death, was refused only by ninety-two members of the commons and fifteen of the peers. Among the dissenting peers we are not surprised to find Nottingham and Normanby,† but with every allowance for the chameleon character of Halifax, we could scarcely be prepared for such shameless inconsistency as the rejection of the recognition of his own conduct.

The three years' duration of this parliament offers few subjects for observation. The Whigs retained

\* The Duke, by sending away his servant, escaped this his third impeachment; but the high tone he assumed very ill accorded with his conduct; he was only preserved from conviction of a disgraceful crime by the ingenuity with which he had suppressed the evidence which all knew to exist.

† Afterwards Duke of Buckingham.

CHAP. XVIII. their supremacy throughout. The reforms introduced had been great, but they had been effected without contest. In the words of William, when he prorogued them, great things had been done, the whole money of England had been recoined, the king secured in his government, an honourable peace made, public credit restored, and the payment of public debts put on sure grounds.\*

A. D. 1695  
to 1698.

The ill health of the Duke of Shrewsbury had compelled him to cede the direction of affairs to Somers, now Lord Chancellor Somers, whose influence in the house of lords was as great as it was in the cabinet. Montague enjoyed the implicit confidence of the commons. The administration of affairs is described to have been without exception, and the silence of the opposition justifies the description.

In the new parliament, which met in December, the Whigs retained their majority as long as they retained the favour of the king, but when they refused to defend him against the general demand that he should dismiss his Dutch guards, William withdrew his confidence, made a step towards the Tories and displaced Shrewsbury and Montague† to make way for three of the opposite party.

\* Parl. Hist., vol. v., p. 1183. he thought himself illtreated.

† Sir Wm. Trumbull resigned The Whigs named Wharton as his place of secretary, because his successor, the king appointed

This concession served to increase the boldness but not to mitigate the hostility of the party it was intended to conciliate. In the next session the Tories were confident and active, the Whigs were desponding and inert. William now abandoned himself to the former party, and the ministry was again a Tory one. The most violent measures of opposition were proposed and adopted by a confluence of broken parties, and William only escaped an address to remove his countrymen from his councils by interposing an abrupt prorogation and a subsequent dissolution.

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The Earl of Rochester was now lord lieutenant of Ireland, and Godolphin at the head of the treasury, the Earl of Jersey was secretary of state in the place of Shrewsbury, the Earl of Pembroke president of the council, and Lord Lonsdale privy seal, Mr. Smith was chancellor of the exchequer.

This change was not a little facilitated by the intrigues of the Earl of Sunderland, who, although burdened with all the iniquities of the reign of James, and excepted by name from the act of oblivion, had made his peace at court, and had obtained the office of lord chamberlain. Although he dared not openly appear in the government, his secret

Vernon, and Shrewsbury, who now withdrew.—*Shrewsbury Correspondence.*



CHAP. cabals often influenced its fate :\* he still assisted  
 XVIII. each party in its turn, as the success of Whig or  
 A.D. 1698 Tory politics favoured his own designs.  
 to 1702.

The fruits of this administration were various. The new ministry commenced with the dismissal of the great and good Lord Somers ; and having a small but certain majority in their new house of commons, they proceeded to impeach their predecessors. The Earls of Portland and Orford and Lords Somers and Halifax† underwent their accusations. The Tory majority attempted to prejudice the impeachments, by addressing the king to remove the accused noblemen from his presence and councils for ever ; but the lords, who were less intoxicated with revenge, presented a counter address. The flagrant violation of the liberties of their fellow-citizens, perpetrated by this house, in committing to prison persons who presented to them a temperate, although an unwelcome petition, the violence with which they urged on their groundless impeachments, the recklessness with which they provoked an unnecessary collision with the lords, their evident unwillingness to grant supplies for the war, and their notorious

\* Shrewsbury Correspondence.

† Montague was created Lord Halifax soon after he left the chancellorship of the exchequer. Saville, Marquis of Halifax, died in 1695, and the title became ex-

tinct in that family by the death of his son in August, 1700. It was revived, as a barony, in the person of Montague, in December of the same year.—*Heylyn*.

corruption by France excited universal disgust. The whole nation rejoiced at their dissolution in November 1701.

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to 1702.

This house of commons nevertheless passed a law which is well remembered, now that their misdeeds are nearly forgotten. This was the act of succession. William had been always anxious to render the succession of the crown in a Protestant line clear and indisputable, and, aware that there was no chance of his being able to direct the limitation to his own immediate family, the house of Brandenburg,\* he designed to fix it upon the next heir after the exclusion of the Catholic claimants, the Princess Sophia. This had been already, by his order, proposed by Burnet in the lords, and carried without opposition, but rejected by the Tories and Jacobites in the commons. The king, sure of the Whigs, had proposed this measure to the Tories when in opposition, as the condition upon which they should be admitted to office.† The compact was made and the ministers slowly and unwillingly set about their ungrateful task. We owe no gratitude to the authors of this measure. An ignoble motive induced them to undertake it, and a dishonourable attempt to escape from their promise, marked every stage of the bill. The speech recom-

\* Dartmouth Note on Burnet.  
vol. ii., p. 270.

† Onslow's Note upon Burnet,

CHAP. XVIII. mending the measure was made on the 11th of February, 1701. It was not until after a long delay, and a threat from the Whigs, that they would propose a similar measure, that this part of the speech was taken into consideration by the house. The ministers then moved certain conditions of government, many of them invaluable in themselves, but of so extreme a character, and so evidently reflecting upon the king, that it was plainly the intention of the promoters to disgust William with his own measure—draw on a conflict upon the subject between the two houses—and drown their unwelcome offspring in the storm thus raised. This design failed; the Whigs supported both the bill and the conditions, and the king resolved to secure the succession at every sacrifice. The next scheme was to treat the bill with contempt and ridicule. Sir John Bowles, a man who was then disordered in his senses, and soon after totally lost them, was the member appointed by the ministerial party to name the Princess Sophia, and he was placed in the chair of the committee to which the bill was committed; through this ordeal it very slowly progressed, the members, when it was brought forward, indecently left the house; and we may judge from the fact, that fifty or sixty members generally formed the committee that the Whigs were left alone with the ministers, and that the Tories, without disguising

their hostility to the measure, thought they sufficiently earned their advancement by refraining from opposing it.

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In the lords it passed with little opposition : the Marquis of Normanby spoke against it, and four peers protested ; but the greater number of those who were hostile to the bill purposely absented themselves. It was then sent back to the commons, who passed it with little discussion in a very thin house, and not without some contemptuous comments upon the bill and its supporters.\*

The manager of this bill in the commons, and the contriver of all the abortive attempts for its defeat, was Robert Harley, a man of no little importance in party history. Descended from a presbyterian family, and possessed of talents of no ordinary character, he had, upon his entry into public life, taken his natural station in the ranks of the Whigs. Without very rare advantages, it requires many years of assiduity to rise into importance with a prosperous party. Harley's success was unequal to the expectations of his impatient ambition ; amid the multitude of claimants he was overlooked or underrated, and he resolved thenceforward to depend upon himself alone for advancement. Without openly deserting the Whigs, he applied himself

\* Burnet ; Oldmixon ; Ralph ; Parliamentary History ; Cox's Life of Walpole.

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to 1702.

to conciliate the Tories ; an adept in petty intrigue, affectedly mysterious, silent even to his friends, and concealing his purpose even from those upon whom he depended for its fulfilment, Harley had the ambition of the Marquis of Halifax, to hold the balance between the parties, and to be necessary to each. He soon obtained the reputation he desired, and he was courted by both parties, because each supposed that he was favourable to them, and in the confidence of their opponents. This reputation recommended him to the speakership under the Tory ministry : such an ambitious politician was the best conceivable instrument to manage for them the bill of Succession.

The Tories were now unpopular with the nation, and distrusted by the king. Upon his return to England William dissolved the parliament, and made advances to the Whigs. Somers received the overture with suspicion, and asked what security his friends had that he would not return to the same ill advisers. Never, never, replied the king,\* with an emphasis which denoted his thorough conviction of his error. The death of James had intervened, and Louis, by acknowledging his son King of England, offered an insult which William resolved to avenge by a declaration of war. The Whigs returned to

\* Oldmixon.

power: their deeds declared that they were determined to carry out the act of succession; the act of abjuration was passed, and the confederacy against France had been consolidated, when the sudden death of the king put an end to the session, and changed the prospects of the country.

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to 1702.

## CHAPTER XIX.

Prospects of the parties upon the accession of Anne—Formation of the Godolphin administration—Its Tory character—Character of the new house of commons—Measures of the Tory majority—Opposition of the lords—Contest upon the occasional Conformity bill.

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XIX.

A. D. 1702.

THE death of William and the accession of Anne were events which caused no little consternation among the Whigs. The princess had been educated among the high church Tories, and she had imbibed a sincere, almost a superstitious, veneration for the church. She had been taught that the Whigs were republicans and dissenters—enemies to the establishment, and subverters of the monarchy:\* her own

\* Conduct of the Duchess of Marlborough, p. 122. The Duchess was a Whig. "For my own part," she says, "the word 'church,' had never any charm for me in the mouths of those who made the most noise with it, for I could not perceive that they gave any other distinguished proof of their regard for the thing than a frequent use

experience had confirmed her in this belief. In her contest with William for an independent revenue, these had been her enemies; the Tories had then proved themselves her friends. We seldom judge very strictly the motives of those efforts which are made in our own favour; it doubtless never suggested itself to the princess that the object of her champions was embarrassment to the king, and that their conduct in this instance was in direct contradiction to the doctrines they taught.

An erroneous conviction may be shaken by argument, but the eradication of a long-cherished prejudice is a hopeless endeavour. Anne was scarcely superior to her husband in intellect: her opinions were prejudices; they had been received without examination, and were retained without suspicion. The influence exercised over her by Marlborough and his countess was so great, that the Whigs looked upon her accession as that of the earl; and had at one time proposed to exclude her from the throne, by appointing the succession to the house of Hanover

of the word, like a spell to enchant weak minds, and a persecuting zeal against dissenters, and against those real friends of the church who would not admit that persecution was agreeable to its doctrine; and as to state affairs, many

of these churchmen appeared to me to have no fixed principles at all, having endeavoured, during the last reign, to undermine that very government which they had contributed to establish."



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A. D. 1702.

immediately upon the death of William ;\* a design not altogether indefensible, since all suspected, and some knew the intrigues of Marlborough with the exiled family, but far too violent for the temper of the nation.

Anne took no pains to conceal the partiality she felt. Very soon after her accession she determined to surround herself with ministers more congenial to her taste than those which were bequeathed her by her predecessor, and Marlborough received full power to form a ministry. The earl's conduct upon this occasion manifests a sudden change in his sentiments. When the prospect of immediate success vanished, Marlborough's ardour in the cause of the Stuarts ceased: he had retired from all correspondence with St. Germain's, and, confident in the duration of the present settlement, he addressed himself to the pursuit of a brighter fortune. The humiliation of France, the glory of England, an immortality of fame to himself—these formed the newly-discovered objects of a mind now for the first time awakened to a consciousness of its own might, and exulting in the opportunity for its display. Marlborough's motive

\* Lord Dartmouth's note on him yes, but I did not think it Burnet. His lordship adds, "Lord Marlborough asked me afterwards true; but by God, if ever they in the house of lords if I had ever attempt it, we would walk over heard of such a design?—I told their bellies."—Vol. ii., p. 300.

was no longer the hope of the courtier—it was now the ambition of the hero.

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A. D. 1702.

As this change came over the sentiments of this extraordinary man, he found himself more and more estranged from the party to which he had hitherto adhered. Now, when they thought their day of triumph had arrived, and rushed forward with impatient violence to chase away their rivals and divide their spoils, the hand of Marlborough put them back, repressed their vehemence, and moderated their transports.

The ministry, formed by Marlborough, was originally Tory in its character, for the queen would have it so, and the temper of the nation required it; but it was by no means so deep and unmixed in its party complexion as that faction had expected and required. Godolphin, who unwillingly assumed the premiership, with the usual title of lord high treasurer, was but a moderate Tory; he had been present, indeed, in several violent Tory administrations, but he appears to have been passive in the most important measures, and to have acted more as a financier than a politician. His vote on the Exclusion bill shows that whatever motive, whether expediency, avarice, or ambition, induced him to act with the Tories upon constitutional subjects, he, at least, thought as a Whig, and his conduct at the head of this administration showed that

CHAP. he had not forgotten his ancient predilections.  
XIX.  
A. D. 1702 Marlborough placed Godolphin in this office as a  
to 1704. man upon whom he could depend for seconding him  
in his military operations. They had long been  
friends and political allies, and they were connected  
by marriage, Godolphin's eldest son having married  
the eldest daughter of the earl. Marlborough re-  
served to himself the personal conduct of the  
war, with the title of captain-general of the forces.  
Rochester retained his office of lord lieutenant of  
Ireland, from which he had not been formally dis-  
missed. Nottingham returned to his office of secre-  
tary of state, the Tories would trust no less pro-  
minent and decided member of their party, and as  
the earl was able to dictate his own terms, he in-  
sisted upon having Sir Charles Hedges as his col-  
league. Mr. Vernon, however, one of the secretaries,  
thus displaced, was, upon the application of the Duke  
of Shrewsbury (now in retirement at Rome) made  
one of the tellers of the exchequer. Prince George  
of Denmark was created lord high admiral in the  
place of the Earl of Pembroke, who was offered a  
large pension upon his removal, an offer which the  
earl, although by no means wealthy, generously  
declined. Simon Harcourt, a Tory lawyer, who had  
distinguished himself in the house of commons, and  
was considered an adherent of Robert Harley, was  
appointed solicitor-general. The dominant party re-

ceived yet greater encouragement when the Marquis of Normanby, an avowed Jacobite, was made lord privy seal. The Tories, so immaculate in opposition, who had clamoured for a bill to exclude from the commons' house all who held places of profit under government, now eagerly scrambled for the minor offices. Many of them had declared, when there was little hope of temptation, that they, for their parts, would never be drawn from their country party by the offer of a place. The Whigs did not fail to remind these patriotic men of their self-denying resolve, and all were not so happy in their cases, or so acute in their casuistry, as Mr. How, who could answer to such an unpleasant allusion that "he had kept his word, he had not a place,"—a plea which was, doubtless, literally true, since the office of paymaster-general was divided between him and Mr. Fox.\*

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A. D. 1702  
to 1704.

No sooner had the death of William been announced than the press teemed with libels upon his memory. No charge was too improbable, no calumny too gross for the mendacity of the Tory pamphleteers, and the credulity of their Tory readers; so long as the Whig house of commons, which sat at

\* Oldmixon. This Mr. John How was one of the most violent members of his party; he was seated for Gloucestershire, in the next parliament, by a most shameless and unconstitutional decision of the Tory majority of an election committee.

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A.D. 1702  
· to 1704.

the time of his death, was in existence, these libellers were kept in some awe. They would allow none to calumniate a memory they revered, but repressed his assailants with an active and even an indiscreet zeal. The fame of such a monarch as William could suffer nothing from the drowsy lucubrations of a few Tory divines; and even “Tom Double returned out of the Country” might have been suffered to dialogue unpunished. The attempts of the commons to suppress these scurrilous publications were injudicious and even unjustifiable, but they abundantly show that assiduously as the Tories had flattered William, and hardly as he had sometimes treated the Whigs, the Tories hated the man to whom they bowed, and William had been only the monarch of the Whigs. It was they alone who placed the crown upon his head, and they alone who kept it there.

The house of commons which the new ministers called together, contained a large majority of Tories, who manifested their sympathy with the authors of the condemned sermons and pamphlets, by imitating their conduct. They seized every opportunity of insulting his memory, and, Marlborough having just concluded a successful campaign, they voted, in their address to the queen, that he had *retrieved* the honour of England. “I will never swear to become a persecutor,” said William, when the coronation

oath was tendered to him. The Tories were resolved to manifest their dislike to his principles as well as his acts. No sooner had they gained an ascendancy than they commenced a furious persecution of the dissenters. By the Test act of 1672, all who held offices of trust, or were magistrates in corporations, were compelled to take the sacrament, according to the rite of the church of England, before they entered upon their office ; but this done, they were not disqualified from retaining it by any subsequent dissent. Under the protection of this act many dissenters now held government and corporate offices ; these were called occasional conformers. The queen's husband, Prince George of Denmark, was one. The present bill expelled every person in the service of the crown, or in a corporate office, from the situation held, upon proof that he had been present at any conventicle, and inflicted penalties more ruinous even than those which were imposed upon the Catholics. This bill was a favourite measure with the Tories ; it gratified two of their most cherished wishes ; it threatened prostration to all who differed from the church in formulas of faith, and promised, through the instrumentality of Tory corporations, a long career of Tory supremacy. It passed the commons by a large majority, and was carried up to the lords backed by all the influence of the court. So ardent was the queen's zeal, that the Tory party were able to convince her

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A. D. 1702  
to 1704.

CHAP. that this cunningly-contrived and politic measure  
 XIX. was *her* bill. "I can't bear saying," she writes to  
 A.D. 1702 the Duchess of Marlborough, "that I see nothing  
 . to 1704. like persecution in this bill. You may think it is a  
 notion Lord Nottingham put into my head, but upon  
 my word it is my own thought." Although, with  
 singular inconsistency, she declares in the same  
 letter, that although she "wished it then to pass  
 she would have been very glad if it had not been  
 brought into the house of commons."

A British house of commons represented, at this time, the most transient sentiments of the nation ; it was the creation of the people. The house of peers, small in the number of its members, represented the sentiments of the monarch, who had held for any considerable time the power of creation—the influence which actuated the former, was as the gust which sweeps athwart the Alpine lake ; the course of the latter, was more analagous to the trade wind of the ocean, steady, durable, but certainly finite.

Many circumstances had concurred to render William's power of creation more than usually important. The flight and proscription of the rigid adherents of legitimacy had decreased the number of the peerage ; in rewarding the active agents of the revolution, William had, at once, filled these vacancies, and effected an entire change in the political aspect of the house. Although the creations, upon the accession of Anne, had been four to one in

favour of the Tories, the Whigs still had a majority in the lords.

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The occasional Conformity bill was, therefore, very differently received in that house to what it had been in the commons. The lords supplied those words of form, by the omission of which the Tories had attempted to stigmatize the memory of William; they rejected the clause which affected corporate officers, they inserted several provisions favourable to the dissenters; and reduced the penalties to a more moderate scale.\*

A.D. 1702  
to 1704.

The commons objected to nearly all the amendments, but they declared that the mitigation of fines was no part of the jurisdiction of the other house; conferences were held in vain, the influence of the ministry and the court was strained to the utmost extent: the parties became nearly equal, and the contest became one of absorbing interest—three times the lords divided, and three times a majority of one decided the question in favour of the Whigs; a circumstance unprecedented in parliamentary history, since upon no two of these divisions were the members the same, and the house was the largest that had ever met.†

\* This bill is printed, with the amendments marked, in the Parliamentary History, vol. vi., p. 65.

† Burnet. Parliamentary History. Tindal.



## CHAPTER XX.

Secession of the high church Tories from the Godolphin administration—Modification in that ministry—St. John—Violence of the Tories against the house of lords—They propose to tack the occasional Conformity bill to a bill of Supply—Examination of the division upon this proposition—Collision between the houses—Dissolution—Elections favourable to the Whigs—Marlborough and Godolphin favour that party—The Godolphin administration become a Whig government—Measures of this government—Intrigues of Harley and Mrs. Masham—Their success—Estrangement of the queen from her ministers—Retirement of Harley and his party—Walpole—Political errors of the Whigs—Their rejection of peace—Their impeachment of Sacheverell—Consequences of their errors seen in the loss of their popularity and the overthrow of their administration.

CHAP. XX. THE popularity of the Tories was now diminished, but their pretensions appeared to have proportionably increased. The Earl of Nottingham could not endure that the privy-council chamber should be profaned by the presence of a Whig, and had

A.D. 1704  
to 1710.

often insisted that the Dukes of Devonshire and Somerset should be dismissed. Upon the prorogation these importunities were reiterated, but the queen, influenced by the Duchess of Marlborough, and aware of the temper of the nation, instead of submitting to this dictation, dismissed the Earl of Jersey, a weak but crafty man, half a papist and wholly a Jacobite, from the office of lord chamberlain, and that veteran Tory, Sir Edward Seymour, from his office of comptroller. The Earl of Nottingham then resigned the seals, and Mr. Blaithwaite, his colleague, also retired. The Earl of Rochester had already resigned his post of lord lieutenant of Ireland in great wrath; upon the queen pressing him to go thither to discharge the functions of government, he replied, that he would not go into Ireland if she would give the country to him and his son. The earl behaved with great rudeness upon this occasion, and afterwards absented himself from the council: upon which the queen only remarked, "it was not reasonable my Lord Rochester should come to council only when he pleased," and ordered that he should no more be summoned.\*

In filling up these vacancies, Marlborough and Godolphin made a step towards conciliating the

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A.D. 1704  
to 1710.

\* Conduct of the Duchess of Marlborough, p. 142.

CHAP. Whigs. The Earl of Kent, a very moderate man,  
XX. succeeded the Earl of Jersey; \* Mr. Mansel, no  
A.D. 1704  
to 1710. violent Tory, succeeded Sir Edward Seymour; the  
Earl of Nottingham's post of secretary was given  
to Harley; an important intimation of a gradual  
change; Harley insisted upon naming his colleague,  
and his choice introduces to our notice one of the  
most important characters in the earlier history of  
the two parties.

The successor to Mr. Blaithwaite was Henry St. John, afterwards Lord Bolingbroke. This youthful aspirant now stepped forward as a competitor for political power, gifted with all the qualifications for success which nature could bestow or art improve. Descended from one of the noblest and most ancient families in England, St. John's education had been that which is usually bestowed upon the sons of the aristocracy. If the rigid fanaticism of his first tutor, Dr. Manton, was calculated to blight the buddings of his genius, and chill his mind into barrenness, the noisy rivalry of a public school, the comparative independence of a college life, and the unrestrained licentiousness of the usual years of travel, were more

\* "The Earl of Kent owed his white staff to lord treasurer Godolphin. The scandalous Chronicle said he lost money at play to the

old Duchess of Marlborough."—*Lord Hardwicke's Note upon Burnet*, vol. ii., p. 381.

than sufficient to restore its freedom. St. John, soon after his appearance in the world, was famed in society, as the most finished gentleman, the most courtly suitor, the most elegant conversationalist, and the most abandoned libertine of the day. His popular manners and numerous accomplishments had, notwithstanding his excesses, obtained him great admiration and applause in private, before he stepped upon the stage of public life. Upon his appearance in the house of commons, the nobler faculties of a great mind found their development. A strong memory, a clear judgment, a vast range of wit and fancy, a thorough comprehension, an invincible eloquence with a most agreeable elocution, are the qualities attributed to him by a friend.\*

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to 1710.

Even Burnet, opposed to him as he was, declares his eloquence to have been superhuman; its traditional fame in the next generation may be judged from the testimony of Mr. Pitt. That statesman was conversing with some friends upon the most valuable pieces of literature and art which had been destroyed by time, and they were forming wishes for the recovery of some one of them—the lost books of Livy, and a specimen of an ancient comedy, were severally named, but when it became Mr. Pitt's turn

\* Swift's Inquiry into the Behaviour of the Queen's last Ministry.

CHAP. to express a wish, he decided that upon the whole  
 XX. *he should prefer to see a speech of Boling-*  
 A. D. 1704 *broke.*  
 to 1710.

The character of St. John's eloquence, as it can be collected from the testimony of contemporaries, may be given in the words I have already used upon the same subject. "It is said that in the delivery of his speeches there were occasional pauses of reflection ; but when he had recovered and arranged his ideas, as he clothed them in words, his language flowed on without either hurry or hesitation, in a copious stream of eloquence, which equally delighted the ear and convinced the judgment. In all the arts of oratory he seemed to have been endued with a natural proficiency ; and even the tactics of debate were not in him the acquirements of experience. Where the weakness of a cause was to be disguised, or the attention of the audience withdrawn from its examination, the wit of the orator shot like a star-shoot athwart the debate ; but when the arguments of an adversary were to be sifted, and his fallacies exposed, he discovered a wonderful power of analyzing his subject at a single glance, and of almost instinctively discovering its capabilities of attack and defence. He united in his reply a subtilty of reasoning, a

\* I find this anecdote in a Magazine for August 1835. This view of the "Memoirs of Lord very able article has supplied Bolingbroke," in the Gentleman's several defects in my "Memoir."

profundity of thinking, and a solidity of judgment, which fixed attention and commanded admiration.\*

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to 1710.

Such were the powers of the man who, forsaking the party of his family, attached himself to Harley, and commenced his career as a moderate Tory. These two men, however, by no means identified themselves with the administration which they now joined. It was the design of Harley to bring about a coalition of the parties, and to form from them a strong administration, of which he alone, he thought, could be the bond of union and the head. St. John, conscious of his own superiority, and panting for political distinction, saw in this alliance the earliest prospect of promotion, and he embraced it.

These were the alterations made during the recess of 1704. The news of the dismay and slaughter which Marlborough was scattering among the armies of France, the storm of Schellenburg, and the victory at Blenheim, had made the war popular with the nation, and had greatly increased the odium cast upon the Tories.

The next session was not less turbulent than the last. Two assemblies, differing so completely in their political views as the lords and commons now did, could not long exist without a hostile collision. The Tories discovered great reluctance to grant supplies

\* Memoirs of Lord Bolingbroke, vol. i., p. 20.

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to 1719.

for the war. Notwithstanding the vast power of Louis, his ambitious designs, the enmity he had ever shown to English liberty, and his avowed intentions of setting the Stuarts upon the throne whenever circumstances might facilitate the attempt, the Tories were originally averse to the league against him; the influence of Marlborough with that party alone accomplished it.

In this session the Tories attempted to achieve a double success, by reviving the occasional Conformity bill, and tacking it to the bill of Supply. This proposition was entertained only by the most unflinching of the high church party; its success would have broken the confederacy against France, and put an end to the war. Notwithstanding all the influence of the court and ministry was added to that of the Whigs, the majority against this factious and unprincipled proposition was only 251 to 134.

The list of the division upon this bill has been preserved, and points out the strongholds of the two parties throughout the country. Bedfordshire maintained its character, and supplied no vote in favour of the tack. Gloucestershire, Huntingdonshire, and Westmorland, not yet under the influence of the Lowthers, equally preserved the integrity of their representation. Yorkshire, Sussex, Salop, and the cinque ports, presented but occasional exceptions. On the other hand Oxfordshire stood forward as an

example of uncompromising Toryism ; all her members were tackers, prepared to destroy even the house of lords, if that assembly should be found to be tainted with any liberality of sentiment. This honour is only shared by Warwickshire and Cheshire; but it was emulated by Suffolk, Hertfordshire, and even Middlesex, which sent majorities in favour of the tack. The numerous boroughs of Cornwall were already infamous for their corruption, but the influence of the court and ministry had drawn many of these members from the church party, and there were some among them who voted consistently upon the side of toleration and liberty.

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A. D. 1704  
to 1710.

This bill, when sent up to the lords, was, after a lengthened debate in the presence of the queen, rejected by a majority of 71 to 50.

The houses soon after engaged in a dispute upon the subject of the illegal commitments made by the commons, in the case of the Aylesbury election. The conduct of this house of commons had been throughout so violent, and in this particular instance so despotic and illegal, amounting in fact to a virtual suspension of the habeas corpus act, that the queen found herself compelled to prorogue it. The proclamation which followed, only anticipated, by a short time, its natural dissolution.

The Tories, during this session, had been deprived of the counsel of Sir Christopher Musgrave, who



CHAP. had long been their leader in the commons, and was  
 XX. esteemed the wisest man of their party. Sir Chris-  
 A. D. 1704 tophor was not, however, incorruptible; presents  
 to 1710. from William amounting to £12,000 had induced  
 him to surrender several important and long-con-  
 tested points; and the unsuspected wealth which he  
 left at his death, gave much plausibility to the accu-  
 sation that his objection to the war against Louis  
 was founded upon an experience of that monarch's  
 generosity.\*

A violent party is never popular in England, unless the points they contend for are, *unquestionably*, just and necessary. The nation judged the Whigs unreasonable when they refused all conditions, and insisted upon the Exclusion bill; we have seen the consequences of that judgment, in the sufferings of their party, and the temporary extinction of public liberty: the Tory ministry of 1701 committed a similar error, and received a similar chastisement. The Tory house of commons which was now dissolved in 1705, had, for the same reason, been long looked upon by the nation with disgust.

The elections for the new parliament were carried on with the greatest excitement; the cry of "The church is in danger" was raised by the Tories, and the question, "Is the church in danger?" became

the touchstone of the parties. While the contest was in progress the court maintained a neutrality ; but when it was decided in favour of the Whigs, the influence of the Duchess of Marlborough swayed the scale ; Marlborough and Godolphin declared for that party, and the queen reluctantly acquiesced. Nathan Wright, a Tory lord keeper, a man despised by both parties, and useful to his own only to keep out an opponent, was dismissed, and the seals were transferred to William Cowper. Cowper is described as a gentleman of good family, of excellent parts, of an engaging deportment, very eminent in his profession, and for many years considered as the man who spoke the best in the house of commons.\* The Duchess of Marlborough says he was not only of the Whig party, but of such abilities and integrity as brought a new credit to it in the nation.†

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to 1710.

This decided step had been preceded by the dismissal of that popular Jacobite leader who accepted the office of privy seal as the Marquis of Normanby, but who had since been created Duke of Buckinghamshire. The Duke of Newcastle, an influential

\* Burnet, vol. ii., p. 426.

† When Cowper received the seals it was customary for all who practised in Chancery to bring, on the first day of the year, a new year's gift to the holder of the

great seal. These gifts amounted to £1500 a year. Cowper, thinking this looked too like bribery, refused the offers, and abolished the custom.

CHAP. Whig, succeeded him, and some Whig noblemen  
XX. were admitted to the privy council.

A.D. 1704  
to 1710. Godolphin's administration had now changed its  
character: the Whigs were now in power, the Tories  
in opposition.

The new parliament discovered their political bias by taking up the great party question which had divided the electors; they debated "Is the church in danger?" and voted, by very large majorities in both houses, that it was not.

"The nation," said Lord Somers in this debate, "is now happy under a most wise and just administration, the public money is justly applied, the public credit in the highest esteem, the armies and fleets are supplied, the success of her majesty's arms gives the nation greater honour and reputation than has before been known, and we have a fair prospect of bringing the war to a happy conclusion. Those men who raise groundless jealousies in this position of affairs, can mean no less than to embroil us at home, and defeat all our glorious designs abroad."\*

The ministry proceeded for some time prosperously. The rejection of a bill for persecuting the Catholics by a majority of 119 against 48, showed how small was the numerical force of the Tories. The

ill-judged attempt of that party to embarrass their opponents by a motion to invite the Princess Sophia to England, alienated their only hope, the queen. Anne would endure any extremity rather than submit to the presence of a successor; she was surprised that a party, so loyal in their principles, and so dutiful in their professions, should contrive a petty annoyance against her personally, and she began to express a hope, in her letters to the Duchess of Marlborough, that they should no longer disagree upon the subject of politics.\*

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A.D. 1704  
to 1710.

The act of Union with Scotland, and the measures of sound legislation with respect to that country which were then passed, would be alone sufficient to immortalize this administration. The Tories found little ground for opposition; their efforts in parliament were feeble, and in no instance successful; their opposition to the Union was unsupported and abortive, and the shadow which they attempted to cast over the glory of the nation, by magnifying trifling naval reverses, was dissipated in a moment by the splendour of Marlborough's victories.

\* Upon an after occasion, when the Whigs, in terror of the presumed designs of the then Tory ministry, proposed a similar measure, Bolingbroke told Gualtier that the queen would risk her crown rather than allow the residence, at her court, of any member of the house of Hanover.—*Mackintosh, MSS., March 8, 1714.*

CHAP.      This Whig ministry, one of the most glorious  
 XX.      in our annals, was destroyed by the secret plottings  
 A.D. 1707  
 to 1710. of one of its own members.

Harley was far from satisfied with the subordinate station which he held in the present ministry. Its almost exclusively Whig character was calculated to compromise him with the Tories, and its existence was an obstacle in his path to the summit of ministerial power. Harley was not an able statesman, he had neither application nor greatness of mind to qualify him for that character, but he was an unrivalled adept in the arts of courtly address and petty intrigue. Knowing the political prepossessions of the queen, and aware that her preference of the Tories was only repressed by the influence of the Duchess of Marlborough, and by the recollection of their own recent conduct, he imagined that if he could gain access to her he might supplant the present monopolist of court favour, and be himself the guide of the queen's political conduct.

An opportunity presented itself, which, by skill and perseverance, he improved to the accomplishment of his designs. This transaction may be related in the language of the injured party the Duchess of Marlborough.

“Mrs. Masham was the daughter of one Hill, a merchant in the city, by a sister of my father. Our grandfather, Sir John Jenyns, had two-and-twenty

children, by which means the estate of the family, which was reputed to be about £4000 a year, came to be divided into small parcels. Mrs. Hill had only £500 to her portion. Her husband lived very well, as I have been told, for many years ; till turning projector, he brought ruin upon himself and his family. But as this was long before I was born, I never knew there were such people in the world, till after the Princess Anne was married, and when she lived at the cockpit ; at which time an acquaintance of mine came to me and said, she believed I did not know I had relations who were in want ; and she gave me an account of them. When she had finished her story, I answered, that indeed I had never heard before of any such relations, and immediately gave her ten guineas out of my purse for their relief, saying I would do what I could for them. Afterwards I sent Mrs. Hill more money and saw her ; she told me that her husband was in the same relation to Mr. Harley as she was to me, but that he had never done any thing for her.

“ I think Mrs. Masham’s father and mother did not live long after this. They left four children, two sons and two daughters. The elder daughter, afterwards Mrs. Masham, was a grown woman. I took her to St. Alban’s, where she lived with me and my children ; and I treated her with as great kindness as if she had been my sister. After some time a bedchamber-woman of the Princess

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A. D. 1707  
to 1710.

CHAP. of Denmark died, and as in that reign (after the  
 XX. princesses were grown up) rockers, though not  
 A.D. 1707 gentlewomen, had been advanced to be bedchamber-  
 to 1710. women, I thought I might ask the princess to give  
 the vacant place to Mrs. Hill. At first, indeed, I  
 had some scruples about it; but this being removed  
 by persons I thought wiser, with whom I consulted,  
 I made the request to the princess, and it was  
 granted."

Mrs. Masham, thus introduced to the queen, was employed by the duchess to relieve her of that assiduous attendance which the office of favourite requires. Secure in her own supremacy, and confiding in the gratitude of the creature of her bounty, she became less frequent in her visits to the palace, and was sometimes absent for consecutive weeks. A very slight knowledge of the customs of a court might enable us to anticipate the event. Anne fell into the hands of her who was always present to flatter; the creature supplanted her benefactress: the duchess was disgraced, and Mrs. Hill succeeded to the office of the queen's favourite.

This woman Harley entirely secured to his own interests, by the dexterous use of a secret he contrived to draw from her. Morose in disposition, although capable of a fawning flattery to superiors, with no advantages of birth, with the queen's favour as her only fortune, and without personal recommendations to counterpoise the coarseness of her

mind, Mrs. Hill had, nevertheless, ventured to fall in love with a gallant of the court. The gratification of her passion was the bribe Harley proposed. The task was somewhat difficult, but he boldly undertook it, and succeeded. The young courtier yielded, at last, to the visions of titles and offices which Harley placed before him, and Mrs. Hill became Mrs. Masham, the queen being present at the ceremony, and the Duchess of Marlborough being kept in ignorance of the marriage.

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to 1710.

Harley was now admitted to daily conferences with the queen, and his opportunities were not neglected. In a short time she became so fascinated with his conversation that his society was as necessary to her as that of the Duchess of Marlborough had once been : he entertained her with conversation most adapted to please a woman's ear ; now detailing the trifling topics of interest, and the secret galantries of her court, now descanting in strains of polished adulation upon the happiness and devoted loyalty of her people,\* carefully concealing that the Tories were Jacobites, and cautiously insinuating that the Whigs were republicans.

While he was thus prosecuting his designs at court, Harley was also striving to increase his influence among the parties ; he carried on a secret

\* Memoirs of Lord Bolingbroke, vol. i., p. 82, 2d edition.



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XX.

A.D. 1707  
to 1710.

correspondence with the Tories, and assured them of the queen's affection for their party, while he spread among the Whigs reports which might create a division between them and the leaders of the administration.

All this time he was profuse in his professions of attachment to the men he was plotting against. Some part of his conduct had excited suspicion : hear how he replied to a letter from Marlborough, which disavowed belief of the reports circulated against him. “ I return your grace most hearty and humble thanks for the favourable expressions in your letter. I beg leave to assure you that *I serve you by inclination and principle*, and a very little time will make that manifest, as well as that I have no views or aims of my own.”\* Upon another occasion he writes to the duchess, “ I cannot think of a servant and a spy without the utmost abhorrence, and particularly when I find it levelled at your grace's family, to whom we all owe so much. I have been often provoked to see so much public and private ingratitude exercised towards the duke.”†

These intrigues, however, soon became too manifest to admit of further doubt. Even the pretender's attempt upon Scotland, although it gave a transient check, caused no real interruption to the secret

\* Conduct of the Duchess of Marlborough, p. 199. † Ibid., p. 198.

council of courtiers. The ministers found that they had lost the confidence of their mistress, and that the divisions of the council-chamber were re-examined and reversed in the closet. Marlborough and Godolphin at last tendered their resignations and left the council. Harley attempted to grasp the vacant staff, but when he found that, with the exception of his own immediate party St. John, Harcourt, and Mansell, the council-board was deserted, his resolution failed him, and he reluctantly retired. St. John and Harcourt imitated his conduct, and the seals of the two secretaries, and the office of attorney-general, were vacant. The ministry was now remodelled; Sunderland, who appears at last, after a long probation, to have succeeded in his endeavours to regain the confidence of the Whigs, and Boyle, afterwards Lord Carleton, were secretaries of state. The Earl of Pembroke was made high admiral, a post which was now vacant by the death of Prince George. The Earl of Wharton obtained the lieutenancy of Ireland, and Lord Somers was made president of the council.

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to 1710.

This revolution of parties introduced the most eminent man of the second generation of Whigs. St. John had already appeared in splendour upon the scene; his great rival and ultimate victor, Walpolé, now stepped forward in a more staid and unpretending costume. St. John was dashing,

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eloquent, and dazzling ; Walpole was shrewd, sensible, and persevering. To Bolingbroke none could refuse admiration, but to Walpole men were more inclined to trust their judgment. The third son of a country gentleman, apparently possessed of little talent, and evidently indolent in his disposition, Walpole had been by his father at once destined to the church. At Eton, whither in pursuance of this design he was sent, some evidence of his hidden powers was afforded by a collision with St. John, who was two years his junior. It is said that these eminent statesmen were thus early rivals. This emulation, probably, aroused Walpole from his mental stupor ; since, before he left Eton, he obtained one of the scholarships of King's College, Cambridge, which are in the gift of that school. After two years' residence at the university, the death of his elder brothers removed the necessity of further application. The heir to an estate of £2000 a year, Walpole no longer looked towards the church ; he resigned his scholarship, left the university, and soon lost the habit of study in the morning field-sports and evening convivialities of a country life. In 1705, Walpole being then twenty-four years old, succeeded to the family estate, and in the same year he married, and obtained a seat in parliament. The marriage and election of St. John, in this same year, renders the coincidence in the commencement of the career

of the two rivals complete. Upon entering the house of commons, Walpole immediately took his station among the Whigs: ambition soon eradicated his habits of indolence, and after some unsuccessful efforts, practice and perseverance procured him fluency, if not eloquence. Nearly the first reward of his exertions was a triumph over the rival of his schoolboy days, for Walpole now succeeded St. John in his office of secretary at war.\*

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It has been said that the Earl of Wharton enforced these appointments, by the use he made of a letter from Godolphin to St. Germain's, which he had obtained and threatened to produce.† That Godolphin was engaged in such a correspondence is well known. It is said that the staid and sombre-looking minister carried on an epistolary flirtation with Mary, the exiled queen, and that the letters, verses, and trinkets, which passed, were seen and sanctioned by William. If this be true, it is an additional reason for supposing that Godolphin was the spy who betrayed the secrets of St. Germain's; yet, as the king, who alone could have proved this, was dead, such a letter was a dangerous weapon, and was doubtless preserved by Wharton and his friends, who rather suspected their new ally, as a check upon

\* Cox's Memoirs of Walpole. ing the reign of Queen Anne.  
Memoirs of Lord Bolingbroke. Macpherson, vol. ii. Note upon

† Hamilton's Transactions during the reign of Queen Anne.  
Burnet, vol. vi.

CHAP. his inconstancy. That it had any effect upon the  
 XX. new appointments is improbable, since the interest  
 A.D. 1708 of Marlborough and Godolphin now lay entirely  
 to 1710, among the Whigs.

This ministry continued their career of glory ; they extended the renown and the power of England, they destroyed the fabric of empire, which Louis had spent a long life in constructing, they drained his resources, annihilated his armies, and depopulated his country ; they undid all that Charles and James had done, and rendered England the umpire of Europe, and the hope and terror of the continental powers. Such were the effects of their government abroad ; at home they increased the happiness, and extended the liberties of their fellow-subjects ; they vindicated the principles of the revolution, and demonstrated, by their acts, that they were ready to approve by practice what they inculcated in theory. But their zeal in these two noble pursuits betrayed them into two capital errors, both of which were chiefly unfortunate to their country, because they were fatal to their power.

The first of these, aided by the machinations of the Tories, rendered the war, hitherto so glorious and so popular, odious to the people ; the second gave a great and fatal increase to the political influence of the clergy.

England had entered into the war with France to

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avenge a public insult, and to curb the extending power of a formidable rival. Louis, by declaring the son of James King of Great Britain, had insulted the independence of this country; by seating his grandson upon the throne of Spain he had become dangerous to all the states of Europe. These were the grounds upon which England joined the confederacy against him. Her fleets tore from him the empire of the sea, annihilated his navy, destroyed his trade, and conquered his colonies; her armies, guided by the genius of Marlborough, overthrew his generals, scattered slaughter and dismay among his hosts, laid bare his frontier, sacked his towns, ruined his allies, and unpeopled his country. At the close of the campaign of 1708 France lay feeble and prostrate, like the bloodless corpse of a mighty giant; her youth and manhood had been destroyed in the war, and her treasure had been lavished as wastefully as her blood; the plough had been abandoned for the sword, and famine followed to complete the measure of her misery. In the years 1709 and 1710 the returns for the metropolis had a decrease of births and marriages to the amount of one-fourth the ordinary average, an increase of deaths to very *nearly double*.\* If such was the state of the metropolis, what must have been that of the provinces! If the misery these

\* Buffon's Supplement, tome iv., p. 278.

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to 1710. returns evidence appears dreadful, when viewed in the mass, how terrible to humanity must have been its individual instances, its horrible details !

Louis now sued for peace ; but the allies, upon a suspicion of his insincerity—a suspicion which was shared by many of his own subjects—broke off the negotiations. Another campaign intervened ; but early in 1710 conferences were opened at Gertruedenberg. Here Louis offered to submit to every one of the preliminary demands made by the allies. Both the objects England proposed were thus obtained. Louis even consented to supply a subsidy of £40,000 a month towards expelling his grandson from Spain. The Dutch plenipotentiaries, however, required, as an indispensable preliminary, that he should perform this alone, and Louis in vain declared the impossibility of his doing so. Upon his refusal they put an end to the negotiation.

Marlborough, now the soul of the confederacy, was the author of this injudicious step : it was he who influenced Heinsius, Eugene, the Emperor, and the Duke of Savoy, throughout the negotiations ; and whether his motive was ambition, pique, avarice, or patriotism, he was supported by his colleagues at home. This error of the Whigs was fatal rather from its effects than its intrinsic importance, for had Marlborough continued to guide the cabinet, as well

as command the camp, the same terms might have been obtained whenever they might be demanded ; but it unfortunately drew from the people a demand, and from the Tories a promise, of peace—a compact which the foreign enemy well knew was chiefly beneficial to him.

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The other great error of this ministry was the impeachment of Sacheverell. This tool of a party was far from being worthy of the ostentatious persecution of an impeachment : he appears to have been a mere bigoted coxcomb, handsome in his person, vain and forward in his address, insanely violent in his Toryism, and furious in his harangues.\* But the Whigs through him attacked the declamations of the Tory divines against the principles of the revolution ; in his person, therefore, the clergy defended their political power. Again the churches echoed the cry “The church is in danger ;” the voices of the clergy awakened their slumbering flocks with the call to the rescue, and an ignorant multitude answered with their wonted promptitude. They rallied round their clerical leaders, repeated their charges, and thought they were defending their church when they were protecting their ministers in the abuse of its doctrines.

\* His learning may be estimated by that well-known illustration which occurs in his writings, “like parallel lines,” he says, “meeting in one common centre.”



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All the ministers in the house of commons were named as managers of this impeachment. Anne reluctantly, but at their request, was present at the trial. When she heard the eloquent harangues of her ministers, asserting the great principles of the revolution, and insisting upon the right of resistance, she contrasted these bold annunciations with the compliant doctrines which she heard in her closet, and thought the Whigs must be enemies to the monarchy; she listened to the eloquent vindication of the right of individual judgment in matters of religion, and concluded that the Whigs were plotting the destruction of the church.

Anne was not alone in the latter conclusion. Shrewsbury, timorous in his policy, feeble in health, but ardently attached to his adopted church, left his old associates, combined with Harley, and by voting and protesting against the condemnation of Sacheverell, repudiated the principles of his former life. Three weeks after this act he received the chamberlain's staff, and the ministers, without whose knowledge the appointment had been made, were appeased by promises of sincerity and undiminished confidence. Two months elapsed and the Earl of Sunderland was discarded, and the Tory Lord Dartmouth placed in his office. The intention was now plain: the allies, the commons, the moneyed interest, all who had any deep concern for the welfare of England,

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took the alarm, and Anne for a moment faltered. Harley made overtures to the leading Whigs, the queen declared she would make no further alterations, and her counsellor assured the remaining ministers that a “ Whig game was intended at bottom.”\* He was repulsed with contempt.

The mob still echoed the cry of their clerical ring-leaders, and Anne, reassured by the acclamations “ God bless your majesty ; we hope you are for Dr. Sacheverell and the church,” which followed her through the streets, resolved to proceed. Even Swift was shocked at the bold and unceremonious manner in which the whole ministry was now dismissed.† The staff was demanded from Godolphin, although not with the studied insult which has been by some authors related;‡ and in one day (September 20) the lord president Somers, the secretary of state, Mr. Boyle, and the Duke of Devonshire, the lord steward, were removed from their offices.

Such was the catastrophe of the Godolphin administration, brought about indeed by internal treachery and court intrigue, but facilitated by conduct which bore too much the appearance of party violence to be proceeded in with safety. The fall of this ministry affords another lesson to the statesman : the

\* Cox's Life of Walpole.

† Journal to Stella.

‡ Note to Burnet.

CHAP. XX. impeachment of Sacheverell was justifiable in itself,  
A. D. 1710. and laudable in its object, yet it was a political error,  
since its violence was not thought by the nation to  
be countenanced by necessity. We have already  
seen how common and how fatal this error has been,  
both to Whigs and Tories.

## CHAPTER XXI.

Formation and character of the Harley administration—State of political literature—An election—Tory majority in the commons—Charges against the late ministry—Guiscard's attempt to assassinate Harley—Opposition of the lords—Creation of a majority in the house of lords—Prosecution of Marlborough, and expulsion of Walpole—The treaty of Utrecht—Jealousy of Oxford and Bolingbroke—Intrigues against each other—Decrease of the influence of Oxford—Difficulties of the ministry—Their cause—Conviction that ministers were plotting the introduction of the pretender—Examination of the charge—Sir James Mackintosh's MS. historical collections—Account of the Jacobite intrigues—Interrupted by the rivalry of Bolingbroke and Oxford—Views of Bolingbroke—Dismissal of Oxford—Sudden illness of the queen—Conduct of Shrewsbury and the Whigs—Dismay of the Tories—Death of Queen Anne.

THE Harley administration which now commenced its career was not formed from the ultra section of the Tory party. When the members of the October

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CHAP. Club\* spoke of the men they wished appointed, the  
 XXI. measures they wished taken, and the impeachments  
 A. D. 1710. they intended to prefer, Harley resisted their dicta-  
 tion, and threatened to resign. The countenance  
 of the queen's favourite could not be spared, and he  
 was allowed to proceed.

St. John and Lord Dartmouth were the new se-  
 cretaries of state. Rochester was president of the  
 council; Harcourt, when Cowper refused to desert  
 his friends, was made lord chancellor; and Harley  
 contented himself with the chancellorship of the  
 exchequer, and the second commissionership of the  
 treasury. The appointments of St. John and Har-  
 court were not made until Harley had discovered his  
 jealousy of these dangerous allies, by a futile attempt  
 to retain them in a subordinate station.†

The staunchest members of the Whig party, such  
 as the Earls of Wharton and Oxford, threw up their  
 commissions; but Marlborough, who was promised  
 that he should be supported even better than he had  
 ever been if he consented, and probably threatened  
 with a discovery of his corrupt administration of the

\* Of this celebrated society Swift says, "There are about an hundred parliament men of the country who drink October beer at home, and meet every evening at a tavern near the parliament house, to drive things on to extremes against the Whigs, to call the old ministry to account, and get off five or six heads."

† Memoirs of Lord Bolingbroke, vol. i., p. 119.

army funds if he refused, was induced to retain his command.\*

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The ablest of the new ministers was seven years afterwards writing in exile. Reviewing then the transactions of this time, he was compelled to admit, that the public good of the nation formed but a secondary object in the eyes of his party. "The principal spring of our actions was to have the government of the state in our hands; our principal views were the conservation of this power, great employments to ourselves, and great opportunities of rewarding those who had helped, to raise us, and of hurting those who stood in opposition to us. \* \* \* To improve the queen's favour, to break the body of the Whigs, to render their supports useless to them, and to fill the employments of the kingdom, down to the meanest, with Tories."†

These, if they were not the sentiments of Harley, were certainly those of his supporters; and the minister, repulsed by the Whigs, and urged by the Tories, was soon compelled to abandon all hope of effecting a coalition of the factions, and to share the views of that which sustained him in his office.

\* Bol. Cor. The new secretary writes, "You must know that the moment he leaves the service, and loses the protection of the court,

such scenes will open as no victories will varnish over." This threat was faithfully fulfilled.

† Letter to Sir Wm. Windham.

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This ministry met with great difficulties at its commencement ; the hostility of the moneyed interest threatened it with immediate dissolution, and when this was, with difficulty, overcome, adverse majorities in both the houses of the legislature appeared to present an insuperable bar to its progress. Undiminishing popularity, and the unswerving support of the queen, were its only resources.

These two auxiliaries were, however, powerful in themselves, and their efficiency was carefully improved. The assiduity of Mrs. Masham, the flattery of Harley, and the exhortations of her clergy, were sufficient to fix the favour of the queen. Other measures were taken to prolong that of the people. From the appointment of this administration we may date the regular establishment of those periodical engines of political controversy which have ever since exercised such influence as the organs and supporters of the several parties.

The new ministry were strong in literary talent. In the reign of Anne, the Augustan age of English literature, what party could be without it? St. John was one of their number, and he was in himself a host. Among their legitimate supporters they could count Atterbury, Friend, and King ; and Prior, expelled by the Kit-Cat Club,\* joined them from the opposite ranks.

\* Prior speaks of this circumstance in one of his papers in the Examiner.

The powers of these able men were concentrated in the production of a political daily paper, put forth as the organ of the new government, and employed to announce their intentions, to defend their policy, and to vilify their predecessors. The first thirteen numbers were the production of the men by whom it had been established; but Swift, whose services had been contemptuously rejected by Lord Godolphin, now made himself known to Harley: and this minister discovered greater discernment by securing so important an ally. The conduct of "The Examiner" was immediately resigned to him.

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The appearance of this paper, rendered so important by the eminence of the men to whom its articles were ascribed, produced a great effect upon the public mind, and called forth a multitude of opponents. The champions who stepped forward from the Whig party were not inferior to those who had given the challenge. Prior's paper in the Examiner was answered by Addison, in the first number of a rival paper, which he put forward under the title of "The Whig Examiner." This paper lived only through five numbers; it was discontinued in favour of "Manwayring's Medley," which immediately followed, and became the organ of the opposition party.

The excitement, which the contests of these papers occasioned, drew within its vortex those



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more delicate offspring of the periodical press, whose light essays were hitherto confined to the reformation of social manners, and the promotion of refinement and taste. The elegance of thought and diction which had been cultivated as an attractive garb to the moral lesson, was now rendered subservient to more exciting objects ; it gave dignity and polish to the eulogy of a party, and added pungency to the political satire. “The Tatler” quickly swerved from its appointed course. Steele, its editor, who despised the prudence of a placeman, and Addison, who had no such tie to restrain him, ventured to match their little painted bark against opponents which had been purposely constructed for conflict. “The Tatler” had devoted itself to the service of the ladies ; it does not appear that by deviating into politics its conductors considered they were violating their professions : but a short time later we find an essayist deprecating the prevalence of party spirit among his fair readers, and marking its power by the whimsical instance, that it had caused the Whig and Tory ladies to show their hostility, and avow their party, by wearing their patches upon different cheeks.

This trivial instance may illustrate the strength and universality of party hostility during the reign of Anne.

It must not however be forgotten, that the influence of the Examiner, the Medley, or the Tatler,

bore no analogy to that of a modern newspaper. Even the assiduous cultivation of style which these organs discover, denotes their readers to have consisted of the aristocracy, the wealthy, and the educated; their influence did not penetrate to the lower classes of the community. The people were still without education.

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From the more intimate alliance which they thus instituted between politics and literature, the new ministry derived considerable assistance: but this aid they were little careful to deserve. No sooner did they find themselves annoyed by the arguments, or the abuse of their opponents, than they supplied all deficiency in their reply by an appeal to force. No one was a more vigilant prosecutor of Whig pamphleteers than St. John, yet it is curious to observe Swift, the greatest libeller of his age, complaining of his inactivity in that respect. To this ministry we owe the invention of the newspaper stamp, and from the tendency of some others of their purposed measures, they appear to have meditated a war of extermination against the periodical press: but these called forth the loudly-expressed indignation of their own allies, and were reluctantly abandoned.

A yet more important support to the popularity of the Tory ministry, was their known anxiety for peace; a powerful recommendation to a nation,

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A.D. 1710.      wearied by a long and burdensome war. While yet in opposition the Tories had held secret communication with France, in order to throw obstacles in the way of any negotiation with the Whigs, and to secure the popularity of terminating the war to themselves. Gaultier who had been confessor to the Earl of Jersey's countess, and was now chaplain to the embassy from the Archduke Charles, and a secret agent of France, was the instrument. Louis was too intent upon the internal affairs of England to be ignorant of the change which had now taken place in his favour; he knew that peace was not more necessary to France, humbled and exhausted as she was, than to the Tory government of her triumphant enemy. In the words of De Torcy, the proposal of peace was to Louis as the offer of health to a dying man, yet it was received with affected indifference. The consolidation of Philip's power in Spain, and some recent reverses which the British arms had sustained in that country, formed an excuse for departing from the terms offered at Gertrudenburg. The preliminaries proposed were such as the British ministers well knew the allies would never willingly accede to; they therefore threw themselves into the arms of the enemy, trusted to his favour and his policy for favourable terms; intrigued with him against their own allies; deceived those allies with solemn protestations of

fideliſty, while they were contemplating their abandonment, and finally, by neglecting their intereſts, expoſing their troops to deſtruction, and compelling them to ſubmit to terms of their dictation, broke the fundamental article of a ſolemn treaty, and compromiſed the honour of England.

This was done, not for any countervailing advantage to England, for the terms offered contained none: it was done to ſuſtain the popularity which held the Tory party in power.

The firſt produce of the popularity thus excited by the favour of the court, the harangues of the clergy, and the profeſſions of the party, was an overwhelming majority of Tories in a new houſe of commons: a majority which was greatly augmented by the uſual policy of giving factious deciſions upon election petitions.\*

This parliament met in November 1710, and the houſe of commons manifeſted itſelf more entirely Tory than the miniſters had expected or even wiſhed. They refuſed a vote of thanks to the Duke of Marlborough; they examined diligently into all the accounts of the late miniſtry, and although Godolphin's integrity, in the office of treaſurer, had left no real cauſe of accuſation, they diſcovered a technical informality which enabled them to ſtartle

\* Burnet ſays there were a hundred of theſe petitions.

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the nation with the astounding assertion that there was an expenditure of thirty-five millions of the public money entirely unaccounted for. St. John appeared ashamed of this charge, and even spoke against his party,\* probably for the only time during his long life, but the house did not fail to approve the accusation by a vote. The supremacy of the Tories in the commons enabled them to reward the clergy, who had so materially assisted in raising them to power, by providing funds for the building of fifty new churches in London and Westminster, and they discovered that their respect for vested rights was by no means so blind and unyielding as had been supposed, since they passed a bill by which they intended to resume all the grants that William had at any time made to the Whigs. This bill the lords would not allow to be read in their house.

The present house of commons was too unmixed in its complexion, and too violent in its character to be satisfied with the timorous policy of the new minister ; it is probable that the majority would have insisted upon changing him for some more energetic leader, had not the opportune attempt made upon Harley, in the session of 1711, by Guiscard, a French papist, invested him with a sudden popularity which nothing could resist. Favourable as this accident was at the

\* Swift's Journal to Stella.

moment, its ultimate consequences were far otherwise. Harley, who had felt the stab of the assassin, naturally claimed to monopolize the honour of his hatred, but circumstances suggested the supposition that Guiscard's first design had been against St. John, and that it was only when he could find no opportunity of attacking the secretary that he struck at the treasurer. St. John favoured, and Harley resented, this account. The jealousy was so great, and so well known, that Swift, who had undertaken to write a history of the transaction, found he could not perform his task without offending at least one of his patrons; he therefore abandoned it to Mrs. Manley, who could avoid the difficulty only by drawing upon her imagination for all that part of the scene which she describes. Henceforward the Harley administration was disunited in itself. Whatever its origin, it is here we have the first evidence of that jealousy which gradually increased to secret rivalry, to open hostility, and ultimately to rancorous and unappeasable hatred.

But the full support of the house of commons thus accidentally ensured was insufficient. It was in vain that they assumed the courage to attack the Duke of Marlborough; the besetting vice of that great man had given them grounds for a valid accusation. The charge was made by a party, and was advanced from

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party motives, but the crime was that of a man ; it was opprobrious to the individual, not to his party. Nothing could be done to destroy the power of the Whigs, so long as they commanded a majority in the lords. This house was at that time by no means so numerous as it is now become. In the then recent case of Sacheverell, a case which called forth the entire strength of the two parties, the number of peers who voted, including proxies, amounted only to 121, and upon ordinary cases the attendance was of course considerably less. In an assembly so numerically small, and so susceptible of court influence, if the crown was favourable to either of the original parties, a small creation must give that party the preponderance. The Tories had already, by private intrigue and gradual creation, succeeded in reducing the opposition nearly to an equality ; in 1712 they boldly seized upon the battery, which was playing against them, created in one day twelve peers from among their stanchest adherents, and having thus usurped the legislative power of the lords, conceived that they had firmly established their own dominion. The peers were at this time opposed to the wishes of the crown, the government, the house of commons, and the people ; and whether we may now consider them to be right or wrong in their political views, few will deny that they were very properly coerced

to submission.\* The addition of a number, not quite equal to one-tenth of their whole body, was found sufficient for the purpose; but had the necessity been greater, a resolution had been taken to meet it. St. John declared in the lobby, that if this was not enough they should have another dozen,† and the queen was understood to have given a previous assent. The new peers took their seats without any further observation in the house than a sarcastic question from the Earl of Wharton, who demanded whether it was the intention of the ministers that the twelve should vote by their chairman.

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Having thus surmounted all their difficulties, the successful party thought they might venture upon the indulgence of their resentments. Walpole was expelled the house of commons for a transaction which certainly afforded much ground for censure;

\* Swift defends this creation, by saying, "In such a government as this, where the prince holds the balance between two great powers, it is the very nature of his office to remove from one scale into the other, or sometimes put his own weight in the lightest, so as to bring both to an equilibrium."—*History of the Four Last Years of Queen Anne*. In his inquiry into the behaviour of the queen's last

ministry, the dean has a more elaborate defence of this measure, resting upon the grounds that for twenty years previously the favour of the court was perpetually turned towards the Whigs, and that "the government of England cannot go on while the two houses of parliament are in opposition to each other."

† Boyer.



CHAP. and Marlborough, dismissed from all his employments,  
XXI. and disgraced as far as a house of commons could  
A. D. 1710. disgrace such a man, was terrified into inactivity by  
an impending action for immense sums, which he was  
accused of having improperly appropriated. Cause  
of accusation was sought in vain against Godolphin ;  
the Tories were compelled to be satisfied with their  
triumph over the most conspicuous of their opponents  
in each house.

The conferences at Utrecht had been opened in  
January 1712, and as the negotiations proceeded,  
the confidence of the people in the ministry rose and  
fell in proportion to the success of their great work.  
The nation was at first indignant at the conduct of  
the Whigs, who joined the allies, and by throwing  
every obstacle in the way of the negotiations, doubt-  
less placed the Tory negotiators more at the mercy  
of Louis ; but when the progress of the conferences  
discovered the ambition, the treachery, and even  
the resuscitated arrogance of that monarch, the  
popular tide in some degree subsided. It was re-  
membered that the object of the Whigs was not to  
strengthen the hands of Louis, or to favour France,  
but to destroy negotiations which, in their estimation,  
were proceeding upon unequal terms, and could yield  
no honourable result.

In April 1713 the war was terminated by the  
treaties of Utrecht. The consequences of this event

to the party which brought it about, are thus stated by the great manager of the negotiations. "Instead of gathering strength either, as a ministry or as a party, we grew weaker every day. The peace had been judged with reason to be the only solid foundation whereupon we could erect a Tory system, and yet when it was made we found ourselves at a full stand; nay, the very work which ought to have been the basis of our strength was in part demolished before our eyes, and we were stoned with the ruins of it."\*

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The treaty of commerce was so manifestly unfavourable to British interests that the whole mercantile body exclaimed in one voice against it, and even the Tory house of commons refused to ratify those provisions which had been admitted subject to their approbation. This, however, was the only successful opposition offered; in every other respect the treaties were approved by addresses from all parts of the kingdom; and although the Whigs in both houses denounced the peace as shameful, and its contrivers as traitors, large majorities voted their addresses of thanks to the queen for the great care she had manifested for the honour and safety of her kingdom in respect to the peace, and the excellent footing upon which she had placed her subjects with regard to trade.

\* Letter to Sir William Windham.

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A. D. 1718. But notwithstanding these appearances of strength, the Harley administration was already tottering. During the progress of the negotiations, the enmity between St. John and the Earl of Oxford had been imbittered by what the fiery secretary considered a public insult. When the minister created a majority in the lords, St. John, as secretary of state, and leader of the house of commons, was naturally entitled to the first place in the list of new peers ; the interest of his party, however, required his presence in the lower house, and he consented to remain there for the present, upon the understanding, that when he received his peerage, the rank of his title should give him precedence of those who were then created. Previous to his embassy to the French court, in 1712, he received the promised honour, and became Viscount Bolingbroke ; a strict fulfilment of the compact which had been made with him. But the earldom of Bolingbroke, his own family's title, had recently become extinct, and the secretary thought that this should have been revived in him. His application was refused ; the jealousy of Oxford would not allow him to decorate a rival with an equal rank, and this mortification was soon after increased by a refusal of one of several vacant ribands of the garter, a distinction which the Earl of Oxford had likewise obtained for himself.

These slights, the proud spirit of Bolingbroke,

conscious of the superiority of its powers, could not brook: he expressed all the indignation he felt. All former feelings with regard to Oxford were now absorbed in one of unmitigated hatred.\* Whatever may have been the bond of unity between Harley and St. John, and it is difficult to say whether they were friends or merely allies, Oxford and Bolingbroke were always enemies, enemies which no community of interest, or even community of danger, could ever reconcile. Bolingbroke was not without power to give effect to his hostility. At the time of the expedition to Quebec, Mrs. Masham, having placed her brother at the head of the expedition, proposed to realize a large sum for herself, by the exercise of her influence upon the contracts for equipping the fleet. Oxford, conscious of his power, or timorous of its abuse, refused to give effect to this scandalous design; but Bolingbroke, less scrupulous, and more politic, immediately came to her aid and effected the object, notwithstanding the treasurer's opposition. Thenceforward the protection of the lady-patroness of this ministry was withdrawn from the treasurer, and extended with ready gratitude over the secretary.

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From this time the influence of Oxford gradually,

\* Letter to Windham. Letter Queen, printed in the Report of  
to the Earl of Strafford. Bol. the Secret Committee.  
Corr. Oxford's Letter to the

CHAP. although almost imperceptibly decreased, until, it is  
 XXI. said, upon the refusal of an extraordinary demand of  
 A.D. 1713. a dukedom for his son,\* he affected to retire from  
 the active direction of affairs, and monopolizing  
 himself the emolument, the power, and the patronage  
 of the premiership, resigned to Bolingbroke its  
 duties and its toil.

Soon after the conclusion of the peace, the Harley administration lost two important sections of its supporters. Those Whigs whom the impulse of popular feeling had driven into the ministerial ranks, returned to their party, and that division of the Tory party, which Bolingbroke styles the Whimsicals, or Hanover Tories† (the latter an ominous distinction), went over to the Whigs. The cause of this desertion was seen in the proceedings of the new body of opposition; violent votes were proposed and carried against the pretender, and a vindictive perseverance was displayed in the persecution of that individual, which could only be the product of extreme alarm.

While the conferences at Utrecht were pending, both the Whigs and the Dutch were convinced that peace with France was, in the minds of the Tories, only a preliminary measure to the introduction of the pretender. This was the secret cause of the great opposition offered by the Dutch;

\* Letter to Windham. † Ibid.

it was one of the avowed charges of the Whigs. That conviction gradually spread itself throughout the nation. About the end of the year 1713 a universal persuasion prevailed, that the ministry were actively engaged in paving the way for a restoration. This suspicion it was that caused the sudden revulsion of feeling throughout England; that left an administration, which had struggled up the steep against difficulties which appeared insurmountable from below, tottering and insecure upon the pinnacle they had reached. Their great support, the confidence of their fellow-citizens, had been withdrawn.

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Successive writers have applied themselves to investigate the truth of this charge, then so confidently made, so implicitly believed, and so unequivocally denied. From the evidence which was open to them, it rather appeared that no design had been formed by the ministers as a body, nor any measures taken by them in their ministerial capacity, to alter that line of succession which parliament had marked out.

That individuals, members of this ministry, were in frequent correspondence with the pretender's agents has been long since abundantly proved by the published collections of Macpherson. The head of that government, the Earl of Oxford, himself was one of the most frequent of these correspondents,

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and he was imitated by many of his subordinates. But the men who thus acted, as far as these documents show, treated only as individuals, and by their irresolute and procrastinating conduct incurred the suspicion of the Jacobites themselves. That trusty Jacobite the Duke of Berwick thought that they were only providing for their own safety in the event of a revolution which they had much reason to expect, although no wish to aid.\*

The inference drawn from the testimony of these letters was strengthened by the memoirs of those Jacobites, who have transmitted to posterity accounts of their shares in the intrigues of the period; by the tracts of the time, the public conduct of the ministers, and the universal expectation of the people, the apparent, although publicly-repudiated, hope of the Tories, and the vehement and loudly-proclaimed alarm of the Whigs.

These arguments for imputing such a design to the Harley administration, were met by considerations which more than counterbalanced them. Although some ministers were implicated in this correspondence, all were not. Although we have abundant proof against Oxford, we look in vain for any intimation of the guilt of Bolingbroke. Of the published evidence upon the subject the greater part is utterly destitute of credibility, being anonymous

\* Memoirs of Berwick, vol. ii., p. 184.

pamphlets, written under the direction of Oxford or Bolingbroke, with the evident object of fixing the charge of Jacobitism upon each other.\* The memoirs, which were chiefly relied upon, have been clearly shown to be an impudent forgery put forth by Daniel De Foe.† The severe scrutiny afterwards instituted failed to discover any distinct evidence of such a design. The distracted state of the ministry, their mutual rivalries, the vigilance with which they were watched by the Whigs, the great danger of the attempt, the suspicious hostility of the people, all these circumstances seemed to render it almost beyond the bounds of possibility that such a design was in contemplation by the ministry of Queen Anne.

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Inferences, however strong, must yield in all

\* See the pamphlets: "The Secret History of the White Staff," a defence of Oxford, and an attack upon Bolingbroke; the "Considerations" upon it, retorting the accusation; "A Detection of the Sophistries and Falsities of the pamphlet entitled, 'The Secret History,'" &c.; The "History of the Mitre and the Purse;" and many others which this controversy gave birth to. They are nearly all of them to be found in the British Museum.

† "Minutes of the negotiations of Monsieur Mesnager at the court of England towards the close of the last reign; wherein some of the most secret transactions of that time relating to the interest of the pretender, and a clandestine separate peace are detected and laid open, written by himself, done out of French." For proof that these pretended minutes are a forgery, see *Memoirs of Lord Bolingbroke*, vol. i., p. 347.



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cases to direct evidence, and such has now been opened to us by the exertions and good fortune of the late Sir James Mackintosh. When the allies were in possession of Paris, Sir James obtained access to the French archives, and seized the opportunity of drawing thence copious materials for his contemplated history of England. The fragment of that work, which has been so often quoted in this volume, affords us proof of the magnitude of the loss which our literature has sustained in him who alone could complete it. Among the extensive collections, which had been made for this purpose, are several volumes relating to the four last years of the reign of Queen Anne. These consist of the diplomatic correspondence which passed between the King of France and his minister De Torcy, and their agents at the English court. These agents were Gaultier, already mentioned as the instrument through whom the Tories commenced their negotiations. The Duc D'Aumont and D'Iberville, who were not in England at the time of the peace, but who as the successive accredited agents of the French court managed the intrigues which followed it.

We learn from Macpherson\* that the ministry were assisted by the whole influence of the Jacobite

\* Vol. ii., p. 417, *et passim*.

party during the negotiations; general expressions of their expectations, affecting the whole ministry made at this time, may therefore have been but presumptions, founded upon the obligations the court were under to them, but particular facts are less liable to suspicion. Oxford, while the negotiations were yet pending, had mentioned the conclusion of the peace as the epoch whence he was to devote himself to the effecting a restoration; he promised to gain over his mistress to the cause, and instructed the pretender in the conduct he should pursue, in order to facilitate their design.\* But (although he is said to have been initiated in 1712, while Harley lay ill of the wound he received from Guiscard)† it is not until late in the year 1713 that we find Bolingbroke active in the conspiracy. In a conversation, at which D'Iberville was present, and which that minister related to his king in a letter of Feb. 5, 1714, Bolingbroke, pressed by the agents of the pretender to immediate exertion, answered that he did not blame their impatience, but he excused the inactivity of himself and colleagues by the magnitude of the task. "We know better than you can," he said, "the difficulty of ruling the heterogeneous spirits which compose a parliament; such an object requires time

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\* Gaultier to Torcy, March 20, 1713.—*Mackintosh MSS.* James Mackintosh's note-books, quoted in the *Edinburgh Review*

† Memorandum in one of Sir for October 1835.

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and skill, which a foreigner cannot imagine necessary." He cited the recent case, in which the queen, who in 1707 had resolved to place Harley at the head of her councils, had been unable to proceed in her purpose until 1710, or to perfect it until 1712; and he expressed it as his decided opinion, that if they attempted to proceed more rapidly, "all would be spoiled."

These proofs are decisive against the two leaders of the ministry. Bromley, the other secretary of state, is described as a man who scarcely disguised his affection for the cause of the king.\* The Jacobite principles of Buckingham, Hamilton, Ormond, and Jersey, require no proof. Harcourt, the lord chancellor, and Benson, the chancellor of the exchequer, as the immediate followers of Bolingbroke, were not likely to have been kept in ignorance of what was contemplated. Harcourt's guilt appears to have been notorious, since it was said that, upon the queen writing to the elector and speaking contemptuously of the rumours which were then prevalent, she received for answer, that if she wished to remove the suspicions which the elector entertained, she must discard Bolingbroke and Harcourt, who *were known* to give her Jacobite counsels.†

The conduct of Shrewsbury is more equivocal. The weak and sanguine Lord Jersey speaks of him

\* September 26, 1713.

† D'Iberville au Roi, 11 Juin 1714.

as a Jacobite, probably only because he had held office under a government exclusively Jacobite. It must, however, be remembered that the nature of these offices seems to betray some impatience of his presence: his place of chamberlain had given him no voice in the cabinet. While ambassador to France it is evident that he was not in possession of the ministerial secret; and when at last he became a member of the government, it was as lord lieutenant of Ireland, a post which entirely relieved his colleagues of his presence. Gaultier differed in opinion from Jersey. On the 12th of December, 1712, he wrote that Shrewsbury would not assist; and on the 13th of August, 1714, D'Iberville declared that Shrewsbury had always been opposed to the chevalier. It is probable that this nobleman had been drawn, by the enthusiasm of a convert to the church of England, to countenance a ministry which professed itself her champion, but that he never adopted the political creed of the party, or coveted any very intimate connexion with his new friends.

Generally, D'Iberville could in 1714 write home that the whole ministry was engaged, that the affair was proceeding silently (*doucement*) and that leisure only was wanted to its success.

These disclosures prove beyond a doubt that, with the exception of Shrewsbury, all the members of the Harley administration were Jacobites, ready to throw

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their country again into the hands of the Stuarts. Of these conspirators many of the subordinates were doubtless influenced by their Tory principles of government; but the two leaders, Oxford and Bolingbroke,\* both Whigs by education, and Tories from circumstances, were swayed only by party motives. The life of the queen was very precarious, and the only hope of the Tories was in her favour. Under the Hanover dynasty they could only hope at most to participate in the power and emoluments of government, under a king brought back by themselves they might rely upon a monopoly; they delayed, therefore, any application at the court of the elector, and the Whigs, who had not omitted the opportunity, were soon looked upon by the legal heir to the crown, as the party upon which he must depend for his inheritance. This preference was no secret to the Tories, and their leaders soon found that the design which they had entertained to prolong their supremacy, must now be prosecuted to ensure their safety. Of the precise means by which this contemplated revolution was proposed to be effected, we have no certain knowledge; probably the rupture between Oxford and Bolingbroke prevented the

\* One of the most eloquent and divine right. It occurs in the argumentative passages in Bolingbroke's works, is his exposure of Parties. 8th letter of his Dissertation on the absurdity of the doctrine of

arrangement of any definite plan. It does not, however, appear to have occurred to Bolingbroke that there was any thing very dangerous in the attempt : he reckoned that there were throughout the kingdom eight Tories to one Whig,\* and these were doubtless thought prepared to say with Oxford, that they would never see a German on the throne of England. One thing, however, was necessary, without which both Oxford and Bolingbroke would have made the attempt in vain ; the Tories would ask no securities for good government,—for that their king was not accountable ; but he must change his religion.

This was a necessary preliminary, without it the high church Tories would not stir ; but this conceded he had his succession guaranteed, and the example of his uncle proposed for his imitation. “ Lord Oxford,” says Gaultier, “ qui craint toujours de trop expliquer sur le chapitre du chevalier à cause des gens qui sont auprès de sa personne m’a néanmoins dit qu’il ne consentiroit jamais, tant qu’il vivoit, que l’Angleterre fut gouvernée par un Allemand ; que je pourrois vous (De Torcy) assurer que le prochain parlement disposera tellement les choses, qu’il faudra nécessairement que le chevalier revienne après la

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\* D’Iberville au Roi, 6 March 1714. If this computation was correct a strange revulsion of feeling must have taken place, for on the 11th of February, 1715, D’Iberville, in a letter to Torcy, reckons 100 Tories to 48 Whigs. The first, however, is distinctly mentioned as a Tory account.

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mort de la reine; pourvu qu'il se comporte désormais comme il le doit par rapport à ses propres intérêts et qu'il imite la conduite de Charles II. son oncle."\*

This, happily for the liberties of England, he obstinately refused. Upon this point he would submit to no compromise, he would not even interpose the transparent veil of a temporary conformity; his answer was, "Qu'on ne devoit jamais s'attendre qu'il le fait jamais, et que rien au monde ne pourroit l'y obliger."† Upon a similar declaration Oxford had before complained,‡ that the Chevalier put it out of his power to serve him. \* If it were only necessary to persuade a certain number of persons, he said, the thing might be effected, but to convert an entire nation, the attempt was impracticable. Bolingbroke was no less convinced of the impossibility of restoring the Catholic religion with the Stuart dynasty. "The grand Turk," he told Gaultier, "is as likely to become king of England as the Chevalier, as long as he remains a Catholic." This, the French minister adds, was the sentiment of more than thirty others to whom he had spoken, and these said further, that if the Chevalier returned, as a convert, and then relapsed, they also would

\* 14th December, 1713. This passage has already been quoted by the Edinburgh Reviewer.

† D'Iberville to De Torcy, 14th August, 1714.

‡ Gaultier, 19th March, 1714.

change, and treat him as their fathers had treated his father.\*

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After events seem to prove that this important obstacle to the restoration might have been removed, but the 'gn thus checked was kept in abeyance, by the violence with which the rivalry between Oxford and Bolingbroke broke forth, by the evidently approaching fall of the former, and the hopes entertained by the Jacobites from the latter.†

The dragon, as Oxford was nicknamed by the courtiers,‡ was now entirely deserted; it was generally understood by all parties, that his dismissal was only delayed until Bolingbroke's party could agree among themselves as to the distribution of the spoil. Oxford, aware of his situation, exhibited an inconsistency of conduct, and a weakness of mind which surprised even his enemies: now suffering with humility the reproaches of Lady Masham; now exclaiming against her in the lowest terms of impotent abuse: at one time pouring forth threats against Bolingbroke and his adherents, at another walking and conversing with apparent cordiality with the object of his recent vituperation. Bolingbroke was elated and confident; the prize for which he had so long toiled now hung within his grasp, and

\* Gaultier to De Torcy, 27th March, 1714.

† Gaultier to De Torcy, 6th August, 1714.

‡ Swift's Correspondence.



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so eager was he to seize it that he could scarcely submit to the prudence of placing the treasury in commission until the new ministry should be established. Shrewsbury was distant and reserved, conduct which was observed by Bolingbroke with a prophetic anxiety. The Whigs, who saw these intrigues but darkly, rejoiced at the evident disunion of their enemies, and waited the event.

This state of things continued sufficiently long to allow Bolingbroke time to resolve upon the course he should pursue as lord treasurer. The consideration which engrossed his attention must have been the succession. The queen's existence was imminently precarious. If she died while the Tories were yet unreconciled with the elector, their only hope would be to bring in the pretender without conditions, an event which that personage confidently anticipated, but for which the nation was by no means prepared. Bolingbroke's intention probably was to retain power to himself and his immediate followers, at every risk, under the legal successor if possible; if not, under the Stuarts.\*

Bolingbroke had already made overtures to Marlborough, who was now in consequence on his way to

\* Bolingbroke's after conduct, to his letter to Sir W. Windham, in conspiring to raise to the he then knew the pretender to be, throne such a man as, according justifies this assumption.

England, whence he had some time before been driven by the intrigues of the Tories. The political faith of Marlborough was certainly not very firm, and the event of the new alliance might have been either a coalition between Bolingbroke's section of the Tories, and the Whigs, or a restoration. Some public civilities, which Bolingbroke at this time paid to certain members of the Whig party, seem to favour the former supposition: if, however, this failed, there can be no doubt that he considered the latter as the next object to be pursued.

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This line of action would appear consistent with Bolingbroke's political sentiments and general conduct. The supposition that such were his intentions is also corroborated by an extract from Carte's memorandum-book, quoted by Macpherson;\* it

\* "The design of L. B. [Lord Bolingbroke] at the time [May 1714], was to bring about the Hanover succession, and two or three days before the queen's death, L. L. and Sir W. Wyndham, going in a coach together, the first said, 'Now they have got the power entirely into their hands, they might easily bring about a restoration;' to which Sir W. said, 'Put that out of your head; that will never be: — is an impracticable man (*i. e.* would not change his religion at that mo-

ment), and will never be brought in.' And L. L. going on the Saturday evening (before the queen died) to Kensington, met Arthur Moore and John Drummond waiting for L. B. (who dined with Sir W. W., and a great deal of company that day at Blackheath), who did not come, though John was appointed to attend there for L. B., to receive his last instructions, in order to set out the next day for Hanover, to make up matters with that court. This John Drummond himself told L. L.;

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may also supply an explanation to his somewhat mysterious declaration, that in six weeks he would have taken such measures as would leave him nothing to fear from the death of the queen.\*

On the 27th of July a cabinet council was held, at which the treasurer's staff was to be demanded from Oxford. The scene which then took place was creditable to none of the actors. The hatred between Oxford and Bolingbroke now broke forth in words; charges, threats, and recriminations, passed between the rivals; and the falling minister in his reckless rage forgot his duty as a subject, and poured forth his abuse even upon his queen. When this indecorous scene had ended by Oxford breaking his staff and leaving the council-chamber, another not much less tumultuous arose upon the subject of his successors. This discussion was ended at half-past two in the morning by the illness of the queen, who retired from the debate declaring she should not outlive it, and was carried to bed in a state of insensibility.

but the queen's death did not allow them time to execute their scheme, and they could never make the court believe they had such schemes."—*Macpherson*, vol. ii., p. 530.

\* D'Iberville au Roi, 13 August 1714. "Milord Bolingbroke est pénétre de douleur de la perte de la reine au point de sa fortune

particulière et de la consommation de toutes les affaires qui ont été faites depuis quatre ans. Il m'a assuré que les mesures étoient si bien prises qu'en six semaines de temps on auroit mis les choses en tel état qu'il n'y auroit rien à craindre de ce qui vient d'arriver."—*Mackintosh MSS.*

When the council again met the queen was sunk into a lethargic state ; they adjourned therefore until the next day, when the physicians reported that she was sensible. The debate was now renewed, when the conclave was disturbed by the abrupt entrance of the Dukes of Somerset and Argyle. The former of these noblemen had been the most dreaded opponent of the Tory ministry at the commencement of its career, it was not until after his dismissal that they thought themselves safe ; the latter had been peculiarly an object of Tory persecution. Bolingbroke and his friends regarded these intruders with undissembled alarm ; but Shrewsbury thanked them for their zeal, and invited them to take their seats at the table. They did so, and while the ministers were yet silent in astonishment, assumed the lead in the deliberations. Having examined the physicians as to the sanity of the queen, Argyle moved that the council should address her to place the treasurer's staff in the hands of Shrewsbury. So evident was the confusion and dismay, that, it is said, Bolingbroke, unwilling to appear defeated, seconded this proposal, which was immediately carried. The queen declared they could not have named a better man, and, delivering him the staff, told him to keep it and use it for the good of her people.

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The energy which had thus wrested the government of this momentous crisis from the hands of the

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XXI. surrounded by his old friends, adopted the  
A.D. 1714. most vigilant measures. Intelligence of the hopeless  
state of the queen was sent to Hanover, and a fleet  
despatched to the Dutch coast ; an embargo was laid  
upon the ports, Portsmouth was garrisoned, troops  
were despatched into Scotland, and the heralds and  
and life guards were kept in momentary readiness to  
proclaim George King of Great Britain.

The excitement lasted but two days ; the death  
of the queen then took place, in a political crisis so  
important, that Bolingbroke, a week before the  
triumphant leader of an all-powerful faction, now  
exclaimed in despondence, “ The grief of my soul is  
this : I see plainly that the Tory party is gone.” \*

\* Bolingbroke Correspondence. Memoirs of Bolingbroke, vol. i.,  
p. 291.

END OF VOL. I.





